24 Junij 1633

A TREATISE COLLECTED OVT OF THE STATVTES of this Kingdom, and according to common experience of the Lawes, concerning the Office and authorities of Coroners and Sherifes.

TOGETHER

With an easie and plain methode for the keeping of a Court Leet, Court Baron, and Hundred Court, &c.

By IOHN WILKINSON, of Bernards Inne, Gent.

LONDON,
Printed for the Companie of Stationers, 1628.

Cum Privilegio.

Super dorsa mea araverunt aratores, et in longum
protraxerunt sulcum suum. Psal: 129. 3.

59 Liber Hugonis Jeffreys

Anima mea, modo timuit, sed postea melius timuit

Sciant

fitz fat' &c debt

Pulab'

Unde ost ballio ibm p̃sñt Dom Denbigh
quod ic bonis & Catallis Johis ap Rici ap
Robti Lloyd in ballia sua existen fier
fac Lobam fat' Dnam Regem &c ad sectam Johis ap Tho:
tam quam dam debm suum qđ tam Dnam
in Cur Dom Dom pluis apud Ruthyn
prm̃ iiij̃o ostēs qđ eidem Dnam in
tam Dne indilate soluat sum
dam & quitanc sibi inde fiend
ostendat Detent debite &c Et de
Denbigh ost Et alias mandat fuit
quod Dne Dom Dom pluis tam &c fuit
mand̃ q̃d fat Dnam de debo &
pluis &c Et qđ ex
& Glay in debt

Unde ost quod Capiat &
&c de &c si inde fuerit in ballia
sua &c tunc sic dilig fat fuit q̃ad
Dies Regis tum apud Ruthyn mandatum
satisfac &c Ita: Et qđ tunc quod &c
ad qđ pluis Lo: in Cur Dom Dom pluis
apud Ruthyn ven̄ prm̃ iiij̃o die pro &
Dam sibi quod quitanc ostendat
debite &c, unde ex Et qđ ex
Date die &c
& Clavell' mand' Anglesey ex Rone

Mauri [illegible]

[illegible] Vincto [illegible] Ambrosii et Doulcia
[illegible] dicte Doulcia [illegible]
Robert [illegible] [illegible]
Robert [illegible] [illegible]

[illegible] Elisabeth [illegible] hic.
Et Robert 1620 [illegible] [illegible]
se tenuit [illegible] Doulcet [illegible]
fuit [illegible] Robert [illegible]
in festo sancte Marie [illegible]
[illegible] [illegible]
[illegible] 1621 [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]

robert Gallet & fuit nat Lauf[illegible]
ympon dict:

Hy: d: p̄ quia ipse recipit imprabit bona & Gallet Ed: ffo: in dombus & loc[illegible] subsqut sentia [illegible] coram [illegible] sud dauid ipsum Ed: & contra formam statut in ta[illegible] dit & provisū dcō ipse de fine hyd: / How sufferome the same to have open:

2 pfat d: p̄ quia ipse [illegible] & [illegible] fuit hospital mitis terre sue & de Goia ff de Cast ibm borat & ad dampn bitimoz suoz & contra pacem dcō hyd: /

3 pfat d: p̄ quia ipse effugabit ff perturbauit & imparcabit [illegible] ffu: ipsos in & [illegible] montan in dampn sud dauid ipsum ffu: & contra pacem dcō hyd:

Et: de Gl in tam plac: vicom quia ipse [illegible] dict M: dauid per bi & omnib Gladij &c: hy: dominus Iuuad Mandev super[illegible] duthby [illegible] in tam [illegible] fregit & intrabit & [illegible] & [illegible] sud baltre per ibm [illegible] [illegible] & [illegible] dauid per Et contra pacem dict dict [illegible] per [illegible] ipsum de fine [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [

rasse.

cab eque suo [illegible] ⁊ fesorthiem fuit
arr sub
vi. et armis dict rex Cladio et pugnauit
dignitis ad valentia ⁊ ꝙ quidd ipsemet
voluntate et de malina sua prouisata
insultu fecit et quidd ꝓd rex maiestatem
suam adtunc ibidd rex dict Cladio felo-
=ne et proditorie super rapuit sub forcibus
et violenc ꝓcessit ita quod dict Cladius
ex sub ꝓd D. tunc maiestatis sue tunc ibidd
ni duas partes fidit dans ei plagas mortal
quib vulnerib ꝓd D. instanter ibidd de plagis
sic ut premittit mortuus est.

de malina prouisata voluntarie et felo
nie ponsit ar dobtan castello quod
cuidd lib: 6: ung de C: ad edendd qui
=d obra C dunglin vorabd ꝙ tangit) de
rentes venenosissima et de alijs forbis
ipsum cum lib conforta et roborata que qui
d obra ꝙ dict lib: 6: tunc ibidd in vorbam
C quidd ipse manuscripta de obra bonitas romedii
ipsum ꝙ dict lib: 6: statim posea ingrotabat
ang ꝙ dict ⁊ die Anno supradict in dict domo
sua apud C. ꝙ dict semigrabat, vsq ad ꝙhd
diem dicti mensis decembris Anno supradict
anno quidem &c. die Anno supradict ꝙ dict

W: b: de dict. ffe. obiit p dictam ad in dicta
domo sua apud C. p dicta ad in dicto Comitatu
interijt.

Ms (in
pacis) ffe. C: nup de b: ad in dicto Comitatu
pmar apud b: p dictam ad in Comitatu p dicto ad
quod ben ibidem venerunt et
2 Rowlinge plaid. ad hunc ibidem
ad pacem dicti regis et ipsius
et pfatus d: b: ad quod ven ad dicit
valentiam 9 quod ipse in manu sua dextra
venit ad hunc et ibidem venit ipse ffe. C.
sua sponte ad hunc ibidem
ffe. C: quandam plagam mortalem ad
longitudinem trium pollicum et ad pfundital
quinq pollicum et dimidium de qua quidem
plaga mortali plaga ffe. C: hunc ibidem
instanter et sine mora obiit et alterius
p dicta d: E. ad quod barulo ad valentiam
unius obuli quod ipse ad manibus suis ad hunc
et ibidem venit ipsa ffe. C. hunc et ibidem
aria et felonice fecit sua sponte sua dam
ffe. C: unam plagam mortalem ad dicto sho
pollicum longitudinem trium pollicum et ad pfun-
ditatem duorum pollicum unde ipsa ffe. C. de
plaga ultimo p dicta obiisset si non obiisset

de ictu illo prius predicto quod p̄dictus A.6: di
gnius dedecorat et fr̄a: p̄dicti dicunt quod
p̄nominati A.6: et D: E: dicto septimo die Junii
Anno supradicto apud 6: p̄dictam in p̄dicto
loco (vocato Gd Dowlyn plaw) p̄dicto ff̄i:
modo et forma p̄dicti, de malicia sua progit
voluntarie et felonice interfecerunt et mur
drauerunt

1382. b. 1.

Wyam[illegible] qui hunc ibidem fortiter et casu obviam ve
nientem p̄dictum verbis lacessiuit ad inimi
citias E: ff: hunc et ibidem in pace dni Regis dedit
vi et armis insultum fecit et ventum dicti
E: ff: hunc et ibidem cum baculo longo, ruspeb.
p̄dicta capitato (anglice vocato a long
skenche) dicto suo percussit ac ipsum
ibidem in membris suis vulnauit felonice pugne
gijt et percussit dans eidem E: ff: plures
mortales in dicto vultu suo
vnius pollicis et profundidatis longitudinis
vnius pollicis et profunditatis spacii pollicis
de quo quidem mortali vulnere idem E: f: hunc
et ibidem instanter obijt ac interijt:

Dominus voluntate ejusque A: felonice requisit et
rationabiliter dedicit et judgmentum [illegible]
petijt contra pacem dni Regis
hunc

24 Junij 1622.

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Cum Privilegio.

The Kinges Ma^tie of the liberties of Englande
by Auncyente Custome of Parliament:
To the Sheriffe of Caernarvon
greetinge: Wee Comaund you that
in the Kinges Ma^ties name and without delay you
Replevie to Rich: David, Edd David
Humphrey &c. Hu: Rho: & Maredudd
ap Griffith and Ieuan: ap Owen & Ellen
his wife Administratrix of the
goodes and Catalls of Robert David
Mowyd deceased one Mare and one
horse Vnlawfully taken out of the grounde
of the Kinges Ma^ties Comon pasture, with
Robert Owen aforesaid and hath
taken and Crimefly detayneth
from them as they saie, and
afterwards yo^u Cause them to be
brought with, least any more
Clamor wee heare any Complaint for
default of Iustice; Witnes our
Seelues at Caernarvon the xvth
day of September in the yeare
of our Lord God 1611

White.

43
D. 9.
170
X

White

TO THE RIGHT HONOVRABLE, AND my verie good Lord, Sir HENRIE MOVNTAGVE Knight, Lord chiefe Iuſtice of the Kings Maieſties BENCH.

precij : 2ᵈ. 6ᵈ.

RIght Honourable; wheras many wiſe and learned men haue written of things that they haue gathered by reading, I doe

publiſh what I haue practiſed, warranted by authorities in law. And becauſe the end of writing bookes is to benefit others, I know it will be acceptable to all that are not deepely ſtudied, to make vſe of theſe things which I haue collected: neither can it offend the beſt learned, to ſee that plainly ſet out, as it were by demonſtration, which they by learning alreadie vnderſtand.

The Office of a Coroner, the Office and duetie of a Sherife, and the Office of a Steward, and the maner of keeping of Courts in Hundreds, Leetes, and Baronies, are daily exercifed by manie, yet fewe knowe the true formes that are to bee kept in

keeping of theſe Courts: for their ſakes therefore I haue vndertaken this paines, and dare bee bold to ſaie, that they ſhall not much erre, if they followe what is heere in this Booke ſet downe, for direction for them therein. To your good Lordſhip, whoſe place is high in Iuſtice, and whoſe mind ſtudies the Common-wealths good, I haue preſumed to dedicate this work, moſt humblie beſeeching your Honours fauourable acceptance and patronage therof, euer wiſhing vnto your Honour a perpetuall continuance of all honour and happineſſe in this life, and heauenly felicitie in the life to come: And euen ſo being ouer

bold

bold to trouble your good Lordſhip, doe moſt humbly take my leaue.

Your Honors poore ſeruant in all duetie euer to command,

Iohn Wilkinſon.

A COMPENDIOVS TREATISE, WHEREIN is set forth the office and authority of a CORONER.

THE FIRST BOOKE.

A Coroner is an ancient Officer of this realm, and ordained to bee a principall preseruer of the P. and to carry the Rolles of the Pleas of the Crowne, and of his owne view, and of abiurations, outlawries, appeales, &c. And this definition of him is giuen by Britton auncient Lawyer, fol. 3. with the which agreeth the booke de tit. Coron in Fleta. Nat. Br. pag. 186. where he amplifieth his power more largely,

largely, viz. That he should carrie Records of his owne diem, Attachments, Outlawries, Appeales, attachments of thefts done before him, and of all pointes in appeales, and of al other things done in the Countie, that appertain to the cozoners office: and also in the court of freemen, which haue franchises of infangthef, &c. And in the presence of the Cozoner shall al appeales of Robberie and Larcenie bee framed. These things do declare the office of a Cozoner to be an office of truth, and of great authoritie: and foz that cause it is requisite that it be committed to a wise man, and of good behauiour, as it was wel perceiued by our antient fathers and predecessors, & chiefly by those that made the statute of Westminst. the 1. ca. 10. which rehearseth, For that that people of small condition, & not of the wisest, be now lately chosen to the office of Cozoners, and much meeter it were, that wisemen, loyal, and sage, should intermeddle with that office, It is prouided, that through all Counties be chosen sufficient men to be Cozoners, of the most loyal and most sagest Knights, which best know, can or will attend to that office, and that they lawfully keep and present the pleas of the Crowne: And that the Sheriffes haue counter-rolles of the Cozoners, as well of Appeales as of Inquests, concerning Attachments or other matters appertaining to that office. And that no cozoner shal demaund any thing, or take any thing to execute

ecute his office, vpon pain of a great forfeiture to the King.

The Statute committeth this Office to Knights, and not to any others, and therefore it was held to be a maine cause to remoue and discharge a coroner from his office, if he be not a Knight: but Master Fitzherbert in his Natura breuium in his writ de Coronator eligend would not allow the same for a sufficient cause at this day, alledging, That those words were put into the Statute, to the intent that a coroner should haue sufficient within the county to answer for all that hee doth or ought to doe by his said Office.

Also this Statute requireth such a Coroner as can, will, and may attend to execute the sayd office. And therfore if such a Coroner be elected and chosen as cannot, will not, nor may not attend the execution of the same office, he is to be remoued and discharged by the Kings Writ from the same office: and the cause of his not attendance or insufficiencie must bee rehearsed in the writ, viz. that he is occupied in other of the Kings affaires, or that he is not in health, or aged, or vnapt for the same Office, or that he is insufficient in lands, or that he hath the palsie, or that his abode is in the vttermost parts of the county, or that he is nominated Sherif, or Ranger of a forrest: but if any of these causes be vntrue, and the Coroner therby discharged of his office by a false suggestion, Then hee

may if he will goe to the Chancerie, and there by petition pray a Commission to inquire of this false suggestion, the which if it be found, and returned to the Chauncery, then the King may grant a Supersedeas to the sheriffe of that county, that he remoue not the said Coroner from his office, and if he be remoued before the Supersedeas come, then that he permit the Coroner remoued to execute his office as he did before his remouall, as it appeareth in master Fitzh. Nat. Bre. in and by the writs de Corone elegendo, & de Electione veridariorum.

But it shalbe far more commendable for him that is chosen a Coroner, that if he perceiue any of the said impediments to be in himselfe, that he then doe purchase a writ to discharge himselfe from the said office, which writ he shall find in the register, fol. 177.

This statute also willeth that no Coroner shall take any thing for doing of his office, &c. for this purpose, that he wholly may be at liberty to do and execute iustice & right, & therefore within twelue yeares after, there was a statute made to punish their corruption & extortion, which is called Statutū Exoniæ, made the fourteenth yere of E. 1. which you shal find in the book called secunda pars veterū Statutorū, by the which also it appeareth that a Coroner ought to take nothing for executing of his office, which I find not altered by any statute vntil 3. H. 7. ca. 1. which giueth him in murder

13.s.4.d. of the goods of the murderer, if hee haue any goods, but if hee haue none, then the Coroner is to haue his Fee by amercing of the village for suffering the murderer to escape, and if any particular person shalbe found guilty of such escape, the Coroner hath power to inquire thereof by the same statute.

But I find, tit. Cor in Fitz. fo. 301, & 371. that a Coroner hath a Fee belonging to his office, viz. of euery visne one peny, when they appeare before the Iustices of an Eyre.

But that fee is not repugnant to the stat. of West. 1. for he receiueth not the same to do his office, but as a right due to him though that he executeth no part of his office, &c.

Also the stat. of 1. H. 8. c. 7. prohibiteth a coroner to take any thing for doing of his office, vpon paine of 21. s. for euery default.

And also vpon like penaltie, where he giueth not his attendance when he is sent for and required to make Inquisition vpon the death of any dead corps, &c.

And since the stat. of Westminster the first, it was ordained and inacted by a statute made An 14. Ed. 3. c. 7. that no Coroner be chosen if he haue not lands sufficient in the same county wherewith hee may answer all manner of people. This stat. is in the negatiue, and therefore the not satisfying of the same statute, is good cause to remoue him from his office, by the Writ before remembred, the which Writ

declareth how he shall be said to bee sufficient, & in what sort the same shall be examined, viz. if he haue lands in the county vpon the which he may dwell agreeable to his degree, for the exercising of the same Office.

Also after by another statute made ann 28. Ed. 3. ca. 6. it was inacted, That all Coroners of euerie Countie should be chosen in the open counties by the freeholders of the said county, of the most conuenientest and most loyallst people that may be found in the said counties, to execute the said Office: alwaies sauing to the King and to other lords their Seigniories and Franchises.

And note, that when a Coroner is chosen, he shall remaine officer till such time as the King hath otherwise determined his pleasure, or otherwise, that the King decease, & is not chãgeable euery yere, as the sheriffs & escheators are, qđ vid. Hil 4. E 4. fol. 44.

Also when he is elected, the Sheriffe of the same county, or his vndersherif, must giue him his oath thus as followeth:

His Oath to the supremacie

I A. B. doe vtterly testifie and declare in my conscience, That the Kings Highnesse is the onely supreame Gouernor of this realme, and of all other his highnesse dominions and countries, as well in all Spirituall things or causes, as Temporall, and that no forreine Prince, Person, Prelate, State, or Potentate, hath or ought

ought to haue any iuriſdiction, power, ſuperiority, preheminence, or authority Eccleſiaſtical or Spirituall within this realme: And therefore I doe vtterly renounce and forſake all forreine iuriſdictions, powers, ſuperiorities, and authorities, and doe promiſe that I ſhall from henceforth beare faith and true alleageance to his highneſſe, his heires and lawfull ſucceſſors, and to my power ſhal aſſiſt and defend all iuriſdictions, priuiledges, preheminences, and authorities granted or belonging to the kings highneſſe, his heires and ſucceſſors, or vnited and annexed to the Imperiall crowne of this realme. So God me helpe and the contents of this booke. 1. El. ca. 1.

YOu ſhall ſweare that you well and truely ſhal ſerue, our ſouereigne Lord the kings Maieſtie, and his liege people, in the office of a Coroner, and as one of his Maieſties Coroners of this County of Southampton, and therein you ſhall diligently and truly doe and accompliſh all and euery thing and things appertaning to your office, after the beſt of your cunning, wit, and power, both for the kings profit, and the good of the inhabitants within the ſaid county, taking ſuch fees as you ought to take by the lawes & ſtatutes of this realme, and not otherwiſe. So helpe you God, and the holy contents of this booke. And ſo let him kiſſe the booke to affirme his Oath.

His Oath for the due execution of his Office.

First, when he hath notice to take the view of the body of any person slaine either with his will or against his will, he must then make his precept to the Constables and Tithingman of the hundred where the party lieth dead, to summon a jurie to appeare before him at a day and a place certaine, to enquire thereof, vpon a paine of xl. s. before remembred. And the forme of his Precept is thus: viz.

South. By vertue of mine office these are in the K. Maiesties name to will and require you immediatly vpon the receit heereof to summon and warn 24 able and sufficient men to be and appeare before me at A. the x. day of Febru. next comming after the date hereof, or to morrow being Tuesday ỹ x. of F. at the town hall there, if there be any, or at any other place certaine, then & there to doe & execute such things as on his Maiesties behalfe shall bee giuen them in charge, whereof faile you not, as you and euery of you will answer the contrarie at your perils. Dated vnder my hand and seale this ninth of Februarie, ann Dom 1617.

Per me Io. W. vnum Coron dom. Reg' com præd.

To the Constables and Tithingmen of the Hundred of B. in this behalfe, ioyntly and severally greeting.

And

AND when he cõmeth to the place appointed, he muſt then call for the Conſtable & Tithingman to whom he did direct his warrãt for their returne, and when hee hath that, then he muſt cauſe one of them, or ſome other for thẽ to make 3 proclamations or oyes, & call the iurie thus: You good men which bee returned to appeare heere this preſent time, to inquire for our ſoueraign Lord the King, anſwer to your names as you ſhall be called euerie man at the firſt call, vpon paine and perill that may fall thereon. This done, when you haue a full iurie of 14. or 15. call the foreman to the Booke, and ſweare him thus; You ſhall duly inquire, and true preſentment make of ſuch things as ſhal be giuen you in charge, according to your euidence, ſo helpe you God, and the contents of that Booke.

Then call the reſt of the iurie, and ſweare them by foure at once, and ſweare them thus:

ALl ſuch oath as A. B. your foreman hath taken before you on his part, you & euery one of you ſhall well and truly obſerue & keepe on your parts, ſo God you help, & the contents of that booke.

And when they are all thus ſworne, call them againe, and let the crier count them after you, and then bid them ſtand together & heare their charge.

Then

Then begin your charge thus:

The Charge. SIrs, you that bee sworne, you shall vnderstand what the cause of our meeting is here now at this present, It is to inquire and present or find, how A.B. came to his death: for when any man, woman, or child doe come to their death by any casualtie, or vntimely meanes, then the King hath appointed Corroners in euery County to inquire thereof by the oathes of men: And therefore by vertue of mine Office, I haue caused you to bee called hither, and haue impannelled and sworne you to that purpose, to the end the King, and his immediate Officers may be truely certified how and by what meanes he hath lost his subiect: therefore now your charge is, to inquire how and by what meanes the said A.B. came to his death that a true record may be made thereof: If he was slaine in fight, then you must inquire by whom, when, and where, and in what maner; and with what weapon, as neere as you can, and what goods, cattels, lands or tenements the offendor had at the time of the fact committed, or at any time sithence, and whether he be fled for the same or no: for I must tell you that Corroners haue authority to inquire by their office of all maner of homicids and slaughters of men, especially aboue all other things, and that by the oathes of men super visum Corporis, and not otherwise: And these homicides

and

and slaughters of men are of diuers kindes or degrées, but they are all apprehended within two kinds, viz. spirituall homicide, and corporall homicide: the first is the slaughter and destruction of the soule, which is Gods part, if he die in the faith of Christ: and the other is the slaughter of the body, which is the Kings part, that must take his end by the due execution of Iustice for the offence committed against the Law: and a corporal homicide is two fold, that is to say, Lingua, & Facto; Lingua is threefold, viz. in commanding, in giuing of counsel, and in defending: Facto is 4 fold, viz. in execution of iustice, homicide willingly done, homicide done by chance, and homicide done by necessitie: homicide done by iustice, is when a man is iustly condemned and executed for his offence: homicide willingly done, is either murther, or at the least manslaughter: homicide done by chance, is by some accidentall means, as where one is killed by casting of a stone vnawares, or shooting of an arrow, or such like, and killeth one against the will or intent of him that casteth or shooteth: And homicide of necessitie is when a man cannot chuse but hee must either kill or be killed, and that will be taken to bee in his own defence: then there is homicide inevitable for the aduancement of Iustice; And that is where a sherife or other officer by warrant pursues a Felon which will not obey or yeeld himselfe, but offereth violence, and so

is

is killed in apprehending, or where a man killeth a theefe which would robbe him: In these cases he which committeth such homicide shall be acquitted, & neither lose life, lands, nor goods for the same. There are other homicides which are no felony, & that is where a mad man either kils himselfe, or any other person when hee is mad, or where a child is killed in the mothers bellie not in rerum natura, and that for 2. causes, viz. one because it had not the name of baptisme, and thother because it cannot be certainly knowne whither the mother killed it by some other means or no, but if an Infant of 9 yeares old kill a man, woman, or childe, if such Infant then know good from euill, it is felony in such an Infant, and that will be wel knowen and perceiued by the answer of such an infant to such questions as may be demanded of him: or here also if a man take vpon him to be a phisition or a Surgeon, and not allowed to vse and practise such faculty, if hee take vpon him a cure which dieth vnder his hands by his ignorance, it is held to be felony in such phisition or surgeon. Also if a man keepe a daungerous beast, as a bull, a beare, a dog, or such like, hee knowing them to be dangerous, and yet doth not keep them tied, but wilfully suffereth such beasts to goe at large without a keeper, if such beast kill a man, woman, or child, it is held to bee Felonie in the owner of such Beast. Also there is another kind of homicide, which is

a kind

a kind of murder called felo de se, and that is where one hangs, or kills, or drowns himselfe for lacke of grace: for as it is murder and felony for one man willingly and wilfully to kill another; so likewise it is murder and felony for a man to kill or drowne himselfe willingly and wilfully, yet they are not both in one case, and predicament: for the first doth forfeit by that fact both his lands, and his goods, and the other forfeits but goods and cattels, and no lands. There is also another kind of homicide, not done by man, but by some casuall meanes, and that is called homicide by misaduenture or misfortune, by a Horse, or a cart, or a bough of a tree, or such like: and in this case, omne quod mouet cũ eo quod occidit homicidæ deodand est domino Regi, and it is forfeit to the kings Anner vnlesse the King or his progenitors haue formerly granted the same away to some Lord of a liberty, as they commonly doe, then if it happen to be within such liberty, it belongs to the Lord of the Liberty. But if any of these homicides fall out to bee wilfull murder, which is a most bloody and a crying sinne, and cannot bee too seuerely punished, and therefore by the Law, the offendor herein ought to lose both life, lands, and goods, an eye for an eie, and a tooth for a tooth. And if manslaughter, if the offendor can reade well, then he may in fauour of life, by the Kings mercy, haue the benefit of his Clergy, and so saue his life, but

he

he shall lose and forfeit both his lands & goods, and yet the Law of God not therein satisfied: The goods must be found, appraised, and valued, of such offendors, and left in the Township or Village where such offendor dwelleth; by them safely to be kept, untill the offendor be acquited or convicted by due course of law; in the meane time the offendor must be maintained with his goods, so as he may bee kept alive to answere his fact, and what shall remaine when he is convicted, those to whom such goods doe belong by the Law, must have them, and not before, and thereof discharge the townehip or Village which had the custodie of such goods. And as for the offendors free land, if hee have any, immediatly after conviction, the King must have annum, diem, & vastum therin, and after the Lord of whom it is holden shall have it as an escheat. And thus having discoursed at large of all these things incident to my office for your instruction, I will make an end and trouble you no more at this time: & so you shal hear your evidence.

Then if the evidence be readie they must be called and sworne thus:

THe evidence that you shal give to this enquest shall be the truth, the whole truth, & nothing but the truth, so helpe you God, & the contents of this booke.

And

And if the euidence be not readie, then you must appoint the Iurie a day and a place to come to you to receiue their euidence, and least they or any of them should faile to come to the place at the time appointed, you may bind the by recognisance in x. li. or xx. li. a piece, and in the meane time you may send your Warrant for the witnesses to come before you to be examined, and to deliuer their knowledge concerning the matter in question, and be sure to take their examinations in writing vnder their hands, and if it be about the triall of any mans life, then you must bind ouer all the witnesses in xx. l. a peece at the least, to appeare at the nert Assises then following, to deliuer their knowledge therein viua voce, if they shalbe thereunto required.

The forme of which Recognisance is thus: South.

Tertio die Oct' ah Reg. Ia. &c. xv. 1617.
Iacobus S. de B. in com̄ cognouit se debere domino Regi xx. l.

Sub conditione.

That if the said I. S. do personally appeare before the Kings Maiesties Iustices of Assise and Gaole deliuerie, at the nert Assises to be holden at the castle of W. for the said County, and then and there deliuer and set forth his knowledge touching the death of A. B. and do not depart thence without licence of the sayd Court, That then this present Recognisance

to

to be bold and of none effect, or else the same to stand, remaine, & continue in force, strength, and vertue.

Capt. & cogn. 3. die O. ann. 1617. præd coram me I. W. gen. vna coron. dom regis com prædict. I. W.

Of wilfull murder.

This offence is the highest and greatest offence that a Coroner is to meddle withall by his office, & it is defined by Bracton to be Extraneorum & notorum hominum occulta occisio manu hominis æquiter perpetrat qui nullo sciente aut vidente fit fact preter solum interfectore & suos coadiutores adeo vt nullus statim insequatur clamor popular, &c. And so ye may see how that Englechery id est q Anglicus est, &c. was presented in ancient time vntill the fourteenth yeere of E. 3. At which time by a stat. made 14. E. 3. c. 4. the presentment of Englechery was wholly abrogated & annulled, the letter of which stat. is thus. viz.

Item, for that there are many mischiefs happened in many countries in England, which knew not how to present Englechery, for which cause the commons of the counties oftentimes were before the Iustices in Eyre amerced to the great grieuance of the people, It is therefore agreed that at no time hereafter any Iustice of an Eyre shall put any article or oppos-

oppoſition preſenting Englechery to the commõs of the counties, nor againſt any of them, But that for euer Englecherie and the preſentment thereof to bee wholly omitted and made void: ſo that none for this cauſe be from henceforth bee impeached: By the words of this ſtatute it apparreth that the preſentment of Englecherie was ſo diuers by the diuers cuſtomes of ſeuerall countries, that the countries knew not well how to ſatiſfie the Iuſtices in the preſenting therof, but for the vndue preſenting thereof, they were often amerced and ſore grieued: And yet Bracton ſaith Quoniam in diuerſis comitatibus diuerſæ preſentatur̃ Englicheria inquirend̃ eſt in omni itinere ab initio quæ ſi conſuetudo eam præſentandi. Alſo hee putteth there in his booke many things which excuſeth the countrie by the common law from that amerciament or payment of lxvj. markes, for hee ſayth in this manner, Epenſatur quandoque &c. And that that alſo was the common Law appeareth in Britton fol. 15. which agreeth throughout with that which Bracton hath here written, the which commonlaw is changed as I haue ſaid before by the ſaid Statute made in the 14. yeare of E. 3. wherefore a man at this day may define murder in other manner than Bracton and Britton did, viz. It is murder when any man of malice prepenced killeth another feloniouſly, hauing no regard whe-

ther hée kill him openly or secretly, or whether hée bée an Englishman or not, so that hée liue in the Realme vnder the Kings protection, and homicide that is done in such manner is called murder at this day: for the name of murder was not at any time changed, but the Law retained the same continually, for the haynousnes of the crime, to put a difference betweene homicide by chaunce-medley and murder: And therefore if a man bée indicted of murder, at this day, a pardon of all Felonies will not helpe him, and that is by the Statute of 13.R.2.cap.1. the letter whereof you may sée hereafter: And also the Statute of 1.Edw.6.cap.12. which inacteth, videlicet, Prouided also, and bée it enacted by the authority aforesayd, that all willfull killing by poysoning of any person or persons that at any time hereafter shall bée done, perpetrated, or committed, shall bée adiudged, taken, and deemed wilfull murder of malice prepenced, and that the offendors therin, their ayders, abettors, procurors, and counsellors shall suffer death, and forfeit in euery behalfe, as in other cases of wilfull murder of malice prepenced.

Of manslaughter.

Manslaughter is where one killeth another hauing no malice prepenced so to doe, yet it is felony, and hee shall lose his lands and goods, and his life too, if he cannot read well, as is said before in the charge: The which thing

thing if a mad man do, it is no felony in him, nor hée shall not bée arraigned for it, when hée is of good memory, as it appeareth in Fitzh. fol. 33. and 21. Hen. 7. tamen in the Eyres of Northhampton in 3. E. 3. It appeareth there that hée should purchase his pardon of course: And with that agreeth 26. li. ass. And the same Law which serueth for a man lunatike, serueth for a man that is deafe, & dumbe, as yée may find in the same plea. And if one of the age of 12. yeares or more, kill another, that is felony: the same Law is if hée bée but nine yeares olde at the time of the killing; so that it may bée perceiued that hée vnderstandeth good from euill, as by his excuse, or by any act done since the killing, videlicet, in hiding the dead corps in any secret place to the intent it should not be found, and knowne, Quia in tali casu malitia supplebit ætatem, vt patet 3. H. 7. & tit. coron 51. And there they respited execution of him to the intent they might procure his pardon: And Bract. said in those cases of Lunatickes, and of the infant, Qđ alterum consilij inopia tuetur, Alterũ facti imbecilitas excusat.

And if a Surgion or a Physitian allowed, haue one in cure, which dyeth presently after, or within a short time after, that is no felony, for that hée did nothing feloniously: but if hée killed him with Physicke or Surgery, it was done against his will, quod

vide titulo Coronæ 163, & Britton fol. 14. c. Contr.

Also if a man haue a bul, a beare, or a dog, w̄ is accustomed to doe hurt, & his maister or owner well knowing the same, yet do not ty him vp but suffer him to goe at large, and being so at large, hee killeth a man, this is holde by Fitzharbert, 311. to bee felonie in the Owner of the beast, by reason of the sufferance, for therby the Owner seemeth to haue a will to kill: And note that in antient time, the will was so material, that the same was taken for the fact, vt patet titulo 1. E. 3. where one compassing the death of another, woundeth him so grieuously that hee leaueth him for dead, and afterward flyeth, and the man wounded reuiueth: And yet notwithstanding, it was then adiudged to bee felonie, in so much as the will appeareth to haue killed him, voluntas reputabitur pro facto. And with the same agreeth Bracton, who saith in maleficijs spectatur voluntas, & non exit⁹, & nihil interest vtrū quis occidat an causam mortis probeat. But this law is not now in force, for hee must bee dead in deed before it be adiudged felony. And if a man hurt another with an intent to beate him, but not to kill him, yet notwithstanding if hee dye of such beating, it is felony in him that so did beat him, wherefore at this day a man may conuert ỹ text to Bractons opinion, and say, Quod exitus in maleficijs spectat & non

non voluntas duntaxat, as in the case next before &c. vide titulo memorato, where for the malicious words of a woman 2. men fought and the one killed the other, the woman in this case was arraigned of the death of him that was slaine: The like case if three men go together to make a disfame, and one of these three doth kill a man, the other two in this case are taken to be principall felons, and yet they did it not of any evill will, but only came in one company together, quod vide titulo Fitz. 350. So that many cases may be found vbi exitus spectat, & non voluntas duntaxat, as before is sayd, wherefore to conclude, wee may say that the will vnlesse the fact insueth the same, maketh no offence at this day, but in treason given by statute &c.

It is a generall opinion, and commonly agreed vpon, that if a man haue iudgement to be hanged, and commandement given to the Sherife to see execution done according to the iudgement, if the Sherife after of his owne authoritie do behead the prisoner which was appointed to be hanged, then this is felony in the Sherife, because the order of the Iudgemẽt is not observed, in putting the prisoner to death: The same law is, if one that is not the Sherife will kill a prisoner as hee is going to the gallowes to be hanged, of his owne head, and authoritie, & vide 35. H. 6. And for this felony the wife of the prisoner may haue an

appeale against him that killed her husband: But Scrope is of opinion, that it shall be otherwise, if he that is killed be attainted by outlawry, as it appeareth 2. E. 3. where he that is indicted alledgeth that he for whose death hee is indicted was and is outlawed of felony, Scrope, It may be that that outlawry is reuersed, or that hee had his charter of pardon, wherefore thereof he must make search, & send into the chancery to vnderstand there, if hee had a charter of pardon, & in the meane time he shall bee let to baile till a certaine day that the truth be knowne: and he said further that if he found that the outlary was not reuersed, nor that the prisoner had not any charter of pardon, that then the def. shall not answere any further but bee discharged of the indictment: Also it seemeth to be lawfull for any to kill a man attainted in a Præmunire, by the Statute of 25. Ed. 3. ca. 21. de proditionibus willeth that a man may doe against them, as against the Kings enemies without any impeachment, &c.

Of homicide done by necessity inevitable iustifiable.

A Sheriffes Bailife, or any other Officer, that hath warrant to arrest any man that is indicted for felony, may iustifie the killing of him, if hee will not suffer himselfe to bee arrested, but in such sort standeth in his defence, that the Officer cannot arrest him without killing of him, in this case ỹ officer shalbe discharged without suing forth of his pardon of

course,

course, vt patet 22. lib. Ass. & 22. E. 3. where Thorpe saith, that any man may take and arrest a theefe, and if he will not yeeld, but stand in defence of himselfe, or els flye, in such case he may kill him without blame, ergo he that hath no warrant aswel as he that hath a warrant, by this authoritie may kill & iustifie. And there hee reciteth, that where a gaoler came to the Gaole with a Lanterne in his hand, to see his prisoners, which had broken their yrons; and standing all ready to haue killed him, they beate him, and wounded him very sore, but killed him not: and he hauing a hatchet in his hand, therewith hee killed three of the prisoners, and being called in question for it, was discharged thereof, for it was adiudged by all the Councell, that the Gaoler had done well &c. And therefore note ye, as a man may iustifie the killing of a man before an arrest, euen so hee may iustifie the same after an arrest, so that the same doe arise vpon an inevitable necessity, as before is said. And therefore one is arrested of felony, and as he is carrying to the Gaole, he maketh debate and flyeth, and the other in such sort pursueth him, that he cannot take him againe without killing of him: this maner of killing is iustifiable, qd vide 3. E. 3. &c. And the case is there, That a man did flye to a Church for felony, and after in the night he went from thence, and the village that did watch him in the Church did pursue him

and killed him, for that hee would not yeelde himselfe, and it was allowed as well done, tamen eodem titulo 3. Ed. 3. Lowth doth doubt of this killing, in that it may bee that hee that was arrested was not guilty of the felony, although he was indicted thereof: and nothing like the case where one is pursued vpon a robbery done, and the theefe killed. But by the booke aforesaid it appeareth that such killing is not felony, nor that any thing shall bee forfeit for the same, nor that any pardon is needfull, sed vide ibid fol. 344. that in that case it is finable, and a fine of xl.s. was payd for the same, sed quær whether the same was for the killing, or for the escape. And note, that if hee which killeth another by reason of any matter ineuitable vt supra to be found before him by reason of any iurisdiction that hee hath to inquire of felonies, hee shall not be discharged vpon such indictment found, vntill such time as hee bee arraigned vpon the same, and the matter also found by verdict, vt patet eiusdem titulo, for that he himselfe was Iudge thereof. Otherwise it is if the finding of the same bee before other commissioners, vide le Statute de malefactoribus in Parcis, made the one and twentieth yeare of E. 1. which giueth power to Forresters, Parkers, and Warrenners to kill the offendors if they will not be iustified, &c.

As for example: Many doe come to burne

my

my house, my selfe being within the same, and they compasse about the house, but they burne it not; & I shoot out of the same house and kill one of them, this is not felony, vt patet 26. lib. Ass. The same law is if they come to my house and robbe me, and my boy or my man that is with mee in my house killeth one of them, qd vide in Fitzh. titulo Coron 3. E. 3. per Lowth & ibidem pag. 505. where it was presented that a man had killed another in his owne house defending himselfe, and it was demanded of those that made the presentment if hee that was so slaine did come to robbe him, for in that case one man might kill another, though that it bee not in defence of himselfe, &c. And in all such like cases a mã shall go quit without any forfeiture, or without expecting the Kings grace, in that my house is vnto mee as my Castle, out of which the Law will not constraine me to flye, &c. The same Law is if one come vnto mee when I am out of my house, and will robbe me, wherefore I kill him: for in 26. libr Ass. the case was that a theefe assailed a man in his ship, and he pursued him so hardly, that the man killed him; and generally it was affirmed that the man should bee discharged and quit without pardon. And note well this latter booke, for that maketh expres mention that hee shall goe quit without pardon: but the other bookes speake nothing neither of pardon, nor yet of the forfeiture:

Homicide in a defending of a mans house & his goods against theeues, lawfull & iustifiable for the vrgent neecessity thereof.

where-

wherefore it may be doubtfull to some, whether he shall forfeit his goods, and whether it shall bee needfull to haue a pardon or not, and therefore to take ãway all doubts, a statute was made Anñ. 24. H. 8. the letter whereof is this, Forasmuch as it hath beene in question and ambiguity, that if any euill disposed person or persons do attempt feloniously to robbe or murder: and so see the statute at large, that it is lawfull to kill him.

How necessity shall be interpreted in homicide in defence of ones selfe.

Note, that the necessitie ought to bee so great, that it ought to be esteemed not auoidable, or otherwise hee shall not be excused, for in this case yee haue not to do with, as in the case before, but with a iust man. And whether the person that is so killed, or the person that doth kill, doth begin the affray it is not materiall, but the whole matter cõsisteth in ẏ necessity inuitable, without ẇ the killing by any meanes is not excusable: wherefore to make a definition of homicide done in a mans owne defence, we must say that properly it is when A. doth make an affray vpon B. & hurteth him and A. flyeth asmuch as he can for safeguard of his life, so that he is come to a strait, beyond the ẇ he cannot fly, & A. continueth, whereby B. hurteth & killeth him: this is called homicide in a mans own defence. For if B. might haue auoided the same & did not, but when A. had hurt him, he then had hurt A. againe euen to death, thẽ was it manslaughter, and so felony

ny in B. vt patet in Fitzh. 226. But when A. hurteth B. B. hurteth him againe but not deadly, & afterward B. flyeth, vt supra, and A. pursueth him till that he commeth into a strait vt supra, & then B. doth kill him, that is not felony, but in his owne defence. And so ye may note, ỳ although B. gaue to A. diuers woũds, that is not materiall, because he flieth frõ him asmuch as he cã before he giues to A. ỳ deadly wound. And that ye may sée in les Eyres of North, &c. 3. E. 3. And Bract. hath a case for ỳ confirmation of this law, Iure euenit vt quod quis obtutellam sui corporis fecerit iure id fecisse existimatur. And note, that it appeareth before in 43. li. ass. before noted. And it is not a sufficient verdict to say that the prisoner killed another in his own defẽce, but they ought to shew ỳ matter, especially in what manner it was done. And although that it be specially found vpon ỳ indictment, yet notwithstãding he shal not therby be discharged vntill he haue purchased a charter of pardon for the same, the which is a confession by amplification of the inuictmẽt, or else otherwise wholly to estrange himselfe from the fact, & to plead not guilty, & so to be found. And this is so done to the intent to induce the forfeiture of his goods, being forfeit by the same offence, vt patet 4. H. 7. And where the Statute of Glouc. cap. 9. saith that hee ought to put himselfe vpon an Enquest de bono & malo, that it is to be vnder-

stood

ſtoode when he is indicted of murder, or homicide, and not where in the indictment the ſpeciall matter is found: for to ſuch an indictmẽt of murder or homicide, it ought to bee pleaded not guilty: for to plead the ſpeciall matter, viz. that he killed him in his owne defence, it is no plea, in that it ſhould bee as a iuſtification, whereas ſuch kind of homicide is not in any maner iuſtifiable, wherefore he ought to plead not guilty, and then that ſpecial matter found by verdict ſhall giue him aduantage, &c. Contrariwiſe it is in treſpaſſe, for there the party ſhall not take aduantage of a iuſtification found by verdict, if it bee not pleaded by the party. And ſo note, that hee ſhall not bee diſcharged of this ſpeciall matter, till ſuch time as hee hath purchaſed his pardon, or elſe bee acquited thereof by verdict: and then his diſcharge ſhalbe in this manner, viz. if he require to purcha e his pardon, he ſhall firſt bee letten to mainepriſe, and then he ſhall ſue forth his writ of Certiorari directed to the Iudges of Aſſiſe, before whom the indictment lyeth, to certifie the Record to the Chancelor of England, who will make him a Charter of pardon in ſuch a caſe of courſe, without ſpeaking to the King for the ſame. And yet the ſtatute of Glouceſt. ſayth, that the Iuſtices ought to make the king priuy of the ſame, and that the King therein ſhould ſhew him the grace if it ſo pleaſed him: but the making the king priuie

thereof

thereof is to bee vnderstood the Certificate of the same made to him in his Chauncerie is sufficient for that in the law he is alwayes said to be there present, &c. And for these matters vide tit. 44.E.3.15.E.3.15.& 3.E.3. where it is sayd, that when a man is acquited before the Iudges of Assise, of the death of a man in his owne defence, hee shall haue a writ from the chiefe Iustice, within which shall bee contained the whole Record of his acquitall, to the Chauncellor, who will make his Charter of pardon without speaking to the King, &c. And note ye ỹ before in the Eyres of Northampton the Iurie did finde that he fledde for the felonie, for which cause he shall forfeit his goods, quasi diceret that hee should not forfeit his goods vnlesse such a flying away had beene found: but the law is not so as it appeareth, 44.& 15.E.3.& 1.H.7. before noted, wherefore we are to thinke, that the inquirie of a flying was surplusage and void, &c. And consider well the words of the Statute of Glouc. which be these: It is ordered and agreed that hereafter no Writ shall issue out of the Chancerie to inquire for the death of a man, if a man hath killed another by misaduenture, or in his owne defence, or in any other maner without felony, but hee shall bee imprisoned vntill the comming of the Iustices of Gaole deliuery, if he cannot find pledges for his apparance before them, and then hee shall put him-

himselfe to his triall by the countrie de bono & malo, And if it be found by ỹ country that he did the same in his own defence, or by misadventure, then ỹ Justices of Al. are to certifie the K. thereof into his Chancery, and from thence he shal haue his pardon of the K. grace. This Stat. maketh mention of Justices errant, and of Justices of Gaole deliuery: wherfore it seemeth that if any bee indicted before them, that he killed one in his owne defence, that that indictment is as good as if the same had beene found before the Coroner, vpon the viewe of the dead body, otherwise it is if such indictment bee found before Justices of P. for ỹ they haue not any authority to take any such indictment. And note, that it appeareth 44. E. 3. before cited, that there is one case where one shalbe killed by chancemedley, and yet hee that killeth him shall not forfeit any thing: As if A. striketh B. to the ground, and thereupon A. draweth his knife to kill B. and B. lying vpon the ground draweth his owne knife, and A. is so hastie to kill B. that hee choppeth himselfe vpon the knife which B. had in his hand, and so A. was slaine, And it was adiudged in this case, that the said B. was not culpable of the death of A. nor shall forfeit his goods, because A. in a manner killed himselfe, &c. And as it is in the Eyres of North. before pag. 286. and 297. there is a case not much vnlike to this case, which hath a con-

a contrary iudgement, and yet if collation betweene them bee made, yee shall finde that they are not both alike, for there hee did not lye vpon the ground, but stood vpon his feete, insomuch that he might haue made other defence for the saueing of his life then the other could that did lye vpon the ground, And the case there was this, viz. A. did strike B. and B. did flye till that he came to a strait, as it is aforesaid, & then B. perceiuing that A. would kill him, did hold a pitchforke betweene him and A. and A was so fierce that hee ran vpon the pitchforke, and so was slaine: and yet notwithstanding this matter, B. was put to purchase his pardon of course, and besides forfeited his goods, &c.

And that is if a man without any euill intent cast a stone or shoots an arrow whereby one is hurt vnawares and slaine, going to the market or about any other necessarie and lawfull business, this maner of killing is homicide by misaduenture, for the which the offendor shal haue his pardon of course in ỹ like sort as before in the case where a man shall haue it for killing of a man in his owne defence. And that is by the said stat. of Gloc. vt pat̃ 3. E. 3. and he shall forfeit his goods, as before in the case of killing a man in his owne defence, vide the Statute of Marlebridge cap. 15. that saith, Murdrum de cetero non adiudicetur coram Iusticiar̃ vbi infortunum tantum modo

Homicide by misaduenture or misfortune.

modo adiudicat̃ est, sed̃ locum habeat murdrũ de interfectis per feloniam tãtum & non aliter. By which Statute it appeareth, that misaduenture by the common Law was adiudged for Murder, But that ought to bee with a distinction which Bracton hereafter hath made, That is to say, where one hath done a thing lawfull and where not, for if he haue done an vnlawfull thing, and if any misaduenture doe thereof insue, whereby any one is slaine, that is felony at this day, if it be not murder, And therefore if A. strike B. & C. comes betweene them to part them, and is deadly wounded by the said A. or B. without any euill intent, yet notwithstanding if C. vpon that hurt doe dye within a yeare and a day next after such hurt given, it is felony in him which hurt C. and not a misaduenture, for that the fact which A. and B. did was vnlawfull, vt pat̃ tit̃ Coron 22. libr̃ Ass. And if A. and B. did intend one to kill the other, then it is felony in them both vt pat̃ 22. E. 3. And note that the same order is to be obserued in pleading, the verdict, forfeiture, and pardon of one that killeth any by misaduẽtures as is aforesaid, to be of one that killeth another in his owne defence, and the said statute of Glouc. extendeth aswell to the one as to the other.

Homicide called Felo de se.

Bracton defineth felo de se in this manner, viz. eodẽ modo sicut potest quis feloniã facere interficiend̃ aliũ, ita feloniam facere potest inter-

interſciend' ſeipſam, feloniam quidem facit de ſeipſo qui rei alicui⁹ crimeñ capt̄ ſit pro eod', vt prote pro morte hominis vel cum furto manifeſto, vel qđ vtlagat̄ ſit vel in aliquo ſcelere vel maleficijs deprehenſ⁹ & motu penæ imminentis mortem ſibi conſueuerit, herædem non habebit qui ſic conuincerit felonia prius fa & viz. furtum, mors hominis vel huiuſmodi & cõſcientia metus in reo ꝑ confeſſioñ habet, Agreeing to Bracton, ye ſhall ſee the booke titul' Coroñ in Fitz. 259. where a felon of himſelfe ſhall forfeit his lands, But whether hee had before hee killed himſelfe committed felony or not appeareth not by the book, Ideo quęr' if this diſtinction that Bracton hath made, be Law at this day, for it appeareth in diuers other bookes, that a felo de ſe ſhall forfeit his goods onely, and no lands, as pag. 301. 362. 420. tit̄ iam dicto, and there alſo it appeareth, pa. 324. That if one that is frantieke from day to day, doe kill himſelfe, that ſuch a man ſhall forfeit no goods or chattels, but otherwiſe it is if he be not franticke from day to day, but onely at ſome times, Alſo there pa. 244. was preſented, quod quidā lunaticus percuſſit ſeipſum cultell' ſuo & poſtea recuperauit de infirmitate ſua & habuit iura eccleſiaſtica & obijt ratioñ plagæ quā accepit. Catall' eius non fuerūt forisfack, the contrary whereof yee ſhall finde pag. 142. But the Law is cleere, that if a man which is of good memory, committeth the

same fact in such manner and afterward recouereth, and yet notwithstanding dyeth of the same plague that he gaue to himselfe, he in that case shall forfeit his goods, vide ibid. the case pag. 94. that was before remembred, That is to say, where A. striketh B. to the ground, and thereupon A. plucketh out his knife to kill B. and B. lying vpon the ground plucketh out his knife, and A. is so hasty to kill B. that he choppeth himselfe vpon the knife of B. and so is slain, in this case A. is a felon of himselfe, and that case agreeth with Bracto heretofore.

Homicide not committed by man, but by some casualty whereof commeth deodnsa

Deodand elt where any person commeth to his death by misaduenture of any thing that shall fall vpon him, or by misaduenture of a fall that he taketh from a cart or a horse, or any other thing, the same not being occasioned by any other person, the thing that so occasioneth the death shal be forfeited, and taken as a deodand to be distributed in almes, for ỹ benefit of the soule of the dead person, And note that it is not materiall whether the thing that killeth him bee moouing at the time that he was killed or not, for although that it bee not moouing, yet notwithstanding it shall bee called a deodand as well as that w̄ was there moouing, as it shall be hereafter expressed, And therfore when you speake of a thing moouing, that is only to this intēt, viz. That all things moouing with the thing which is the occasion of the death, shall bee forfeited, aswell for a deodand,

deodand, as the principall thing, qđ vide tit Fitz. 403. vbi dicitur quod omne qđ mouit cũ eo quod occidit hominem deodand̄ est dño Regi vel feodo Clericũ, & therfore ye shall find ibid̄ pag. 398. where a man did cut downe a trée the w̄ did fall vpon the bough of another trée, which bough did fall vpon a man and killed him, and was adiudged that as well the trée as the bough should be a deodand̄, And the same law is, where a man doth ride vpon a cart, and the cart falleth vpon him & killeth him, here aswell the horses which drew the cart, as the cart it selfe, shalbe deodans, vt pat̄ ibid̄ pag. 388. & ye shall find, pag. 397. That a man being vpon a cart loaden with sagots, & ligando eam cecidit motione vnius equi in eadem carma existens per qđ obijt, & the horses and the cart were adiudged for deodans. Also pag. 405. A beame on which did hang a bell, did fall vpon a man and killed him, the bell as well as the beame were adiudged for deodans, non obstante quod fuerunt bona ecclesiæ, sed tamen de gratia & honore ecclesiæ capitalis Iustic' redonauit, Et pag. 326. A man falleth out of a Cart loaded with hay, and the wheele of the Cart doth breake his legs, whereof he dyeth, and the hay was adiudged to be a deodand as well as the Cart, tamen pag. 342. A man falleth out of a Cart, and breaketh his necke, as hee was loading of it with straw, by the mouing of the horse,

the horſe and cart were all adiudged deodans, and not the ſtraw, by reaſon that the ſtraw was not the occaſion of his death, quere differentiam,&c. Et pag. 401. quidam equitando equum ſuũ, ſe ſubmerſit equus: diudicaꝝ deodand,&c. Hitherto we haue ſpoken of things moouing, which doe cauſe deodans, Now let vs ſpeake of things not moouing, and yet ſhall be deodans. Vide titulo iam dicto pag. 409. Where a Carter clyming vpon one of the wheeles of his cart to gather plums, and falleth from the cart whereby he dyeth, Et quia teſtatum eſt quod nec equi nec carecta mouebant ſe, ideo tantum tota deodand eſt dño Regi,&c. The ſame law is, where a man doth fall into a pond of water, which water carryeth him vnder the vtter wheele of a Mill, by which wheele hee was oppreſſed and killed, and the wheele onely in this caſe was adiudged a deodand, vt patet ibidem pag. 389. Vide ibidem pag. 348. where it is ſaid, if a man fall from a load which is worth a C. pound, by the which hee receiueth his death, all the ſame ſhall be a deodand. And alſo it appeareth by theſe caſes, that deodans ſhall bee as well of things that moue vnder a man and kill him, as of things which do not moue, but the man all moueth himſelfe from them, And note, that before it is ſaid, that all things moouing with the thing which is the occaſion of the death, ſhall be forfeited. So in like manner,

ner, all things not moving with the thing which is the occasion of the death shall not be forfeited, as in part you may perceive by the case of the cart and straw before cited, Et titulo Forfeitures in Fitzh. 12.R.2. wherein quædam massa terræ cecidit super hominem & ipsum oppressit in such sort that he dyed, and it was adiudged that the said masso terræ onely should be forfeited, and not the hole or pit where he was killed, The same law is where a man falleth from his horse, and quacheth his head against a blocke, whereof he dyeth, the horse only shal be adiudged for a deodand, and not the blocke, in that it moued not at all, qd vide ibidem pag. 341. And also Britton titulo Coron fol. 6. saith that if a man fall out of a ship sayling, nothing is the occasion of his death but onely the shippe, and yet the things moving may bee said to bee the causes of his death, the merchandise lying at the bottome is not any cause of his death. This ship so sailing ought to be vpon the fresh water, &c. for if it should bee on the salt water, it seemeth that it should not bee a deodand, as it appeareth by Bracton titulo Murder, who saith there in this manner, non deodand est nauis nec battellus nec alia catall' aqui sub merci sūt in mare nec in falsa nec wrecum erit cum sit qui catall' a diceret & dicere possit, Et nota, that it seemeth to one by the bwks before pa. 389. that if he dye by misadventure, and be

within the age of 14. yeres that then nothing shalbe forfeit for a deodand, for there presentment was that A. filius B. vltra 14. an̄, &c. tamen quære & vide Fitz. titulo de Indictmēts pag. 27. That where a man was found dead in the field, Belknap said that his appeal should be giuen to the Church to pray for his soule, & should not be taken for a deodand, & note that euery deodand the sherife shall answer, viz. he shalbe charged to leuy the price thereof of the village, notwithstanding ỳ thing was not deliuered to them to kēp before, qđ minū vt parat ibiđ pag. 298. And therefore when such a misaduenture is found, the presenters should find appraise, & value the deodād, & the coroner should returne the same in his Inquisition, & in whose custody the same remaines, so then the king may know by that Record, of whom to demaund it by Process out of the Crowne office.

It is requisite that the thing that is killed be in rerum natura, And therefore if a man do kill an infant in the mothers bellie, that is not felony, nor hee shall not forfeit any thing for it, and that for two causes, one is, for that the thing that is killed had not the name of baptisme, the other is, for that it is hard and difficult to iudge whether hee killed it or no, That is to say, whether the infant dyed of the beating of the mother, or by any other occasion, vt patet titulo Corone, &c. pag. 263

&

& vid there pag. 146. A more strange case, viz. A man did beat a woman great with child of two children, so that immediatly one of the infants dyed, and the other was borne alive and baptised by a name, and two dayes after, for the hurt that she had received she dyed, the opinion was as before, that it was not felony in the man, & vide the same case in Fitz. titulo Indictments pag. 4. But it seemeth, that the reason where it hath no name of baptisme, is not of any force, for yee may see titulo Corone before pag. 418. that it was presented quod quedam mulier eundo versus cappellam peperit filium & statim abstiduit gulam & proiecit in stagnum & fugit, ideo exigatur, & vtlaget, for that was homicide, in that the thing killed was in rerum natura before it was killed, and so nothing like the case before, scilicet, where the infant was killed in the mothers belly, &c. the which case Bracton affirmeth for Law, in his diuision of homicide before, saying in this manner, Si sit aliquis qui mulierem pregnantem percusserit vel ei venenum dederit per quod fecerit abortiuum puerperium iam formatum vel animatū fuerit & maxim si animatum, facit homicidium, but contrary to this seemeth the Lawe as before. Item, it is requisite to Homicide that if one beate another whereof hee dyeth, that that death bee within twelue moneths and a day next ensuing the same beating, vt patet pag. 303.

The same law is, if poyson be giuen to one feloniously that hee dye within the yeare next after, &c.

It is a common erudition amongst vs, That if a Statute Law giue a remedy for any offence, we may vnderstand thereby, that before there was no remedy for the same offence at the Common Law, other then is not expressed in the said Statute, except we haue read any thing that may induce vs to beleeue the contrary. The Statute of Westminister the first, cap. 13 defendeth Rape in this manner, viz. the King defendeth that none shal ravish nor take by force a maide within the age of eleuen yeares with her consent, or without her consent, nor any dame or maid of age, nor other woman against their willes, and if any so do, the King shal do him common right, and if none commence the suit within 40. dayes, then the King may sue, and those that he shall find culpable shall haue two yeares imprisonment, & after shall bee arraigned at the Kings pleasure, and if hee bee not arraigned hee shall bee punished by more longer imprisonment, according to the quality of the trespas, The Readers of this Statute if they haue not read Glanuill and Bracton, doe thinke that by the common law rape was but trespasse, where in truth it was felony, or other more grieuous crime, and first Bracton in his second booke of Rape saith in this manner, Raptus vigi-

virginum est quoddam crimen quod femina imponit alicui de quo die esse violenter oppressam contra pacem domini Regis, quod quidem crimẽ si conuincat, sequitur pena scilicet amissio membrorum vt sit membrum pro membro, quia tunc cum virgo corrumpitur membrum amittit & pro corruptor̃ punientur eo quo dilinquit,&c. Here I haue expounded that which was the Common Law in Rape before the Statute of Westm. 1. wherewith Glanuill agréeth, fol. 113. Also I find amongst the Lawes of St. Edwin, once King of this Realme, this Law, qui cum nunna vel sanctimonialis fornicetur, emendetur sicut homicidia, By the which it appeareth, that hée that hath committed but fornication with a Nun, or with a holy woman, he should be punished as an Homicide, A multo forciori, then should hée bée punished if hée had rauished. So that Rape at the beginning was much detested, and abhorred, and very great and grieuous punishment adioyned thereunto, till the time of King E. 1. who séemeth by his Law made at Westminster 1. to haue mittigated the paine of the same, and afterward espying the great enormities that ensued the same Lawe, At his next Parliament holden at Westminst. called Westm̃ 2. cap. 34. did make the same offence of Rape to be felony, The words of which Statute be these, It is enacted, that if a man doth rauish a woman espoused, a damosell,

mosell, or any other woman hereafter, whereunto he neither hath assented before nor after, he shall haue iudgement of life and members, And in like manner, where a man shall rauish a woman, dame espoused, damosell, or any other womã by force, although she assent to the same afterwards, he shall haue the like iudgement as before is said, so that he be attainted at the kings suit, and in that case the king shall haue his suit.

The statute maketh no diffinition of rape, but leaueth the same to the common law, Also it seemeth to make a difference betweene rauishment with force, and rauishment without force, And therefore quære what manner of fact he intendeth, Britton saith, fol. 45. that if the woman at the time of the rape conceiueth with child by the rauisher, that it is no Rape, for that, that no woman can conceiue if she assent not thereunto. Also Bracton saith, That it is a good plea in an Appeale of Rape, to say, that before the time of the rauishment supposed to be done, he held and vsed the plaintife as his concubine, Also it is a good plea for him to say, that though hee did lye with her, yet hee knew her not carnally, for that is the force of a declaration in an Appeale of Rape. And also note, that if a man be to bee charged with rape by way of indictment, or otherwise, hee ought to be charged expressly by this word Rapuit, and not by any other words, though they

they amount to as much as this word Rapuit doth, vt puta carnaliter cognouit & huiusmodi, as it appeareth 19.E.4.fo.27. Also there is another statute concerning rape, made an 6. E.2. the which doth put great penalties and forfeitures vpon the woman wᵗ consenteth to the rauisher after the rauishment, & yet neuer the lesse doth giue an appeale of Rape to the husband of the wife that is rauished, and if she haue no husband, then to her father or to her nert of her blood, & that the def. shall not gage battell in such Appeales.

Of treasure troue.

Bracton saith of treasure found in this manner, Est inter cetera grauis presumptio contra Regem dignitatem, & Coronā suam quæ quidem est quasi crimen furti, scz. frauduleñ occultatio inuenti Thesauri, &c. Note, that Bracton saith here, that the hiding of treasure foūd is grauis presuptio, So that it seemeth, that in ancient time it was doubtfull whether it was felony or not. And therfore it is said, tit Coron in Fitz. 187. that the punishment of treasure found is taken away & is now by imprisonmēt and fine, and not of life and members, &c.

Et ibidem eodem titulo pag. 446. apparet quod thesaurus non competit Regi nisi quando nemo scit quis abscondid thesaurum, &c. So that if it be knowne to whom the property is, then the king shall not haue it, but hee to whom the propertie thereof belongeth, and it seemeth that if hee dye before the finding

ding, that is executor shall haue the same. Et vide ibidem quod thesaurus competit domin Regi & non domino libertatis si non sit per verba specialia or by prescription. Britton in his booke, fol. 26. saith, that treasure found in the sea, or vpon the land, and not in the earth, appertaineth to ỹ finder, & not to the King, &c. Also he saith, that when a man hath found it, he ought presently to let the Coroner or Coroners of that county vnderstand thereof, or els the Bailife and the Coroner without delay ought to inquire if any thing thereof bee purloyned away.

Of a Mayhem.

Note, that Britton saith, that Mayhem is properly said where any member of a man is taken away, whereby he is the more vnable to fight, as if the eye, the hand, the foote, or by bruising of the head, or knocking out of the foretæth, but cutting off the eare or nose is no Mayhem, but a blemish of the body Seton Justice said 29. E. 3. that euery finger of the hand shalbe said to be a Mayhem, if it bee cut off, Item 8. H. 4. yée may see there that it is no Mayhem to cut off, auriculam hominis, by the which hée loseth his hearing, but the knocking out of the tæth is a Mayhem, for that with them he may defend himselfe in battell, And Bracton agreeth therewith, for hée saith in this manner, Mahim dici potest vbi quis in aliqua parte sui corporis efficitur mutilatus ad pugnand per illum quem appellat, &c.

Note

Note, that these places and territories here expressed and declared, are allowed for sanctuaries for felons, if they can get to them before they be taken, viz. Wells in the county of Somerset, Westminster, Manchester, Northhampton, Norwich, Yorke, Darby, and Launceston, for all such felons as may haue the benefit of their clergy, by the Lawes of this Realm, and for none else, for treasons, rapes, burglaries, robberies, by the high way, or in a house where any are put in feare: burning of houses or barnes wherein corne is laid: robberies of Churches, Chappels, or other hallowed places: stealing of Horses, or Mares, and murder, with their abettors, procurors, and counsellors. All these offences are excepted by the statutes of 26. ca. H. 8. ca. 13. & 32. ca. 11. H. 6.

A Sanctuarie is a priuiledged place, appointed by the King our Soueraigne, for the safegard of the life of man, which hath offended the Lawe: and it is grounded vpon the Law of mercie, for the great reuerence, honour, and deuotion which the King hath, and beareth to the place to which hee graunteth such priuiledge; which in times past was so greatly had in reuerence and honour, that offendors in case of Treason, Murder, Rape, and all other offences whatsoeuer had the priuiledge thereof. Polidor Virgil in his booke intituled de inuencione rerum, lib. 3. cap. What a Sanctuary is.

cap. 12. writeth against this ordinance, vouching Moyses his Law for his warrant, and saith, that hee allowed Sanctuary for a man onely in this case, where one killed another by chauncemedley, not having any malice forethought to doe the same. For in Exodus cap. 21. it is written thus, Si quis per industriam occiderit proximũ suum & per insidias ab altari modo: auell' eũ vt moriatur. And therefore it is holde that the Kings of this Realme have rather imitated the Lawes of Romulus, then of Moyses, in granting such large priuiledge to malefactors: for it was ordayned by Romulus, that euery one which fledde to the Sanctuarie in Rome, should bee discharged of all manner of crimes; which was vsed here in England before the making of the said stat. of 26, H. 8, and 32. of the same king, &c.

Of principall & accessarie.

Note, that in high treason there is no accessarie, but all are principals vt pat̃ 3. H. 7. fo. 9. So that what offence soeuer maketh a man accessary in felony, the same offence in high treason maketh him principall, therefore it is to be seen who shalbe accessaries in petit treason, or felony, or in other like crimes, in which accessories may be.

Of accessaries before the offence committed.

Note, that if one procure or commaund another to doe a felony, but is not present there when the other doth the same: This procurer or commaunder is but accessorie before

fore the felony done, vt patet 7.H.4.f.30. but otherwise it is if he be present at the time and place, when and where the felony is committed, for in that case he is a principall, vt patet 7 H.4.f.13.

The same law is, if a man be present at the death of a man, and he moueth and setteth on others to wound him and kill him, in this case he is as far forth a principall as he that killed him, qđ vide 13.H.7.

The same law is, if he were present, & commeth thither for the same purpose, though that at the same time hee moueth not the other to strike him, or kill him, nor doth any thing himselfe, yet he shalbe adiudged as a principall vt pat̃ 21.E.4. Also vide tit. Coron̄ in Fitz.fo. 309. where it was found that one that was present, yet did nothing, but would haue ayded his companion if the dead person had made any resistance, and for that he was adiudged a principal. And according to this, vide ibm̄ pa. 314.350. & 433. that all those that come in company in any place, or any assembly where any euill is done, be it homicide, robbery, or any other trespas, they all shall be accounted as principall doers, though that they doe no hurt at all. And therefore a man was condemned in that he was a disseisor where a man was killed, and it was said by twelue that hee came not thither to doe any euill. And note, that as it was of homicide, or murder, euen so

so it is of any other felony, as of rape or robbery, quod vide titulo Coron in Fitzh. 228. & 11.H.4. where in an appeale of Rape against two as principals, whereas one did not the acte, but assisted and ayded his companion to doe the same, & titulo Coron in Fitzh. fo. 350. & 314. where onely one did the robbery, and the others were in his company, and came with him for the same purpose, &c. But if one do chance to be present when another is slain, or when another felony is committed, & commeth not in the company of the felons, nor is of their confederacy, although hee withstand not, or disturbeth not the felon, nor leuyeth hue and cry, yet he shall not be said either principall or accessary: for it is not felony in him, but finable as a trespas. And if such a man be within age, he shall haue no punishment, qd vide titulo Coron 395. & 14.H.7.f.33. & vide titulo præd 293. where such a man that was of full age, was but amerced in such a case, &c. Tamen 314. ibid, it appeareth that such sufferance is felony, and so was the opinion of Shard 197. but it is against the Law, as it appeareth in the bookes before cited, &c.

Also if A. hold B. in his armes till such time as C. killeth him, A. for that cause is principall vt pat 15.Ed.3. And note ye, that the Law at this day as concerning accessaries, is as you haue heard before, though that in auncient time some Iudges did varie in their opinions

for

for Law, in that poynt: for it appeareth, the Corone in Fitzh. 90. & 216. That in the fortieth yeere of Edward the third, they toke the Law to bee, That hee that was present when any was slaine, and aiding and commaunding the killer, should not be principall, but accessarie, &c. And in that they did agree with Bracton, who saith in this manner: Si omnes presentes sunt etiam de forcia quam de facto, &c. And after the attainder of the principall fact, hee goeth to those that bee appealed of force, and maketh the Appeale in this manner, viz. A. appellat B. de forcia quod cum ipse A. & C. frater suus essent in tali loco, &c. Also he saith in another place, That if two be appealed as Accessaries to a third person, scilicet, one of force, and the other of commaundement, they shall wage battell, before hee shall that is appealed of commaundement, Quia fortia quodamodo in se attinet factum id quod non facit præceptum. And so by him that is present when one is killed, and being counselling, ayding, or in any other manner assisting, so that he slayeth him not himselfe, hee is then but accessorie, &c. And with him agreeth the Statutes called Officium Coron, made the third yere of king Edward the first, and Westminster the first: but the Lawe is not so at this day: and yet the account in suerie Appeale against the principall is, that suerie one principally did helpe, and did strike the partie slaine,

deadly: but to that may bee sayde, That those wordes bee but wordes of forme, and also it is his helpe in Law, &c. If I command one to take another, and he goeth from me, and taketh him and robbeth him: if I be absent when hee doth the same, that is not felony in mee, vt patet titulo Coron in Fitz, for that hee exceedeth my commandement, and my commandement might haue beene performed without Robberie, &c.

But if I commaund one to beate another, and thereupon he beateth him to death, that shall bee felonie in mee that commaundeth, vt pat ibm 14. for it is difficult and hard to beat a man in such sort that it shall be said hee shall not dye of such beating, &c. therefore in such case I am accessorie to him that killeth him, by reason that it was done vpon my commaundement, &c.

Accessories after the offence committed.

That is, where one receiueth a Felon, well knowing of the felonie that hee hath committed, or fauoureth him, or aydeth him, he thereby shall bee sayd to bee an Accessorie after the fact. But distinguend est, of this ayd or councell: for if hee ayde him with his good word, and sueth for his deliuerie, or sendeth letters for his deliuerance, that maketh him not to be accessorie to the felony: vt patet titulo Corone in Fitzh. pag. 195, &c. Nay, this definition is to be made of an Accessorie, it extendeth onely to those that bee Accessories to a

principall

principall atteinted, for if after the atteinder one receiueth and aideth him, That is, after hee bee conuicted of the felonie by verdict, outlawrie, or confeſſion, hée ſæmeth to bæ an Acceſſory, though that hæ knew not him to be a felon, in that he is a Felon by matter of Record, of the which euerie ſtranger is driuen to take Cogniſance, tamen quære: for yee ſhall finde titulo præd' pag. 377. one note, which is thus, ſcilicet, Note yæ, That when a man is indicted for the receiuing of a man outlawed for felonie in the ſame countie, then he ſhall loſe both life and members, Secas eſſet in alio com̃, &c. Ergo thereof inſueth, That if one be outlawed for felonie in one Countie, and another receiueth him in another Countie, hee ſhall not be acceſſorie, for that hee cannot take Cogniſance of that which was done in another Countie, though that it bee matter of Record, &c. And agræable to this Note, I finde in Bract. written thus, Si quis talem poſt vtlagationem ſcienter pauerit, vel cum eo cõuictauerit, receptauerit, aliquomodo vel iam occultauerit: eadem pœna puniri debet qua puniretur vtlagatus, &c. So that it ſæmeth hæ maketh no difference betwæne matter in fact & matter of record, &c. in that hee maketh Scienter materiall in the caſe, &c. And note yæ, that by the Common-Law, if one commit Felonie in one Countie, and before his atteinder one other receiueth him felonioully in another

Countie, that was not felonie in the receiuer for default of triall, in that those of the Countie where the Accessorie offended, could not haue Cognisance of the principall offence committed in another Countie, quod vide titul' Corone pag. 33. & 43. Ed. 3. wherefore a Statute Law was made anno 2, & 3. Ed. 6. which is in this manner: Forasmuch as the most necessarie Office and duetie of Lawes, is to preserue the life of man, and condignely to punish such persons that vnlawfully and wilfully murder, slay, and destroy men, &c. Note the preamble of this statute, And also it is a common practise amongst arrant Theeues & Robbers in this Realme, that after they haue robbed and stolne in one countey, they wil conuey their spoyle, and part thereof so stolne, to some of their adherents in another Countie, where the principall offence was not committed, ne done, &c. By this preamble it appeareth, That if one feloniously receiued parcell of the Goods stolne, that he shall be thereby an accessorie, &c. quær thereof: for yee shall finde titulo Coron in Fitzh. pag. 126. That one shall not be accessory for receiuing of goods stolne onely, if he receiue not also the felon himselfe. And therefore the Indictment was there qd sciens, &c. felonice receptauit latronem, &c. and hee was discharged thereof, ratione iam dict', But if he had as well receiued the Felon himselfe, as the goods, then otherwise it were, vt patet 9. H. 4.

fol.

fol.1. & tit Coron in Fitzh.pag.427. where a Felon did flie to his brothers house, and his brother did shut the doore, and the Countrie that pursued him were deceived thereby, for they did conjecture that hee had continued in the house, when he did fly thence to the church: whereupon his brother was adiudged accessorie to that felonie, &c. vt pat ibidem pag.196: That a man may bee an Accessorie to an Accessorie: As if a man feloniously doe receive him that is an Accessorie to a Felon, &c. Also it appeareth there pag.48. That he that receiveth an accessorie of a felonie, is principall, and not accessorie, &c. And the reason thereof as I understand, is, for that by this receite, a new Felonie is committed by him, though that it dependeth vpon the antient and former felony, &c. And note yee, that Bracton counteth an accessory receptor malorum, &c. vt supra c.19 f. 26. and saith, that a woman cannot be accessorie to her husband.

I haue already intreated of accessories by the Common Law, now therefore I will entreat of Accessories by the Statute-Law. It seemeth though an offence bee made felony by Statute, though the same stat. doth not speake expressly of abettors, procurers, Councellours, and receiuers, yet shall it be taken to bee within the compasse of that Statute, as it appeareth in the Title of Treason, 19.H.6. where the consenter and ayder to the counterfeiting

Accessories by statute.

of the great seale, priuy seale, or the kings money, was adiudged a Traitor: And yet the words of the statute are, if a man doe counterfeit, &c. the which thing the other seemeth not to haue done, in that he was not but cõsenting and ayding to the same, &c. The same law is in case of rape, where one did the fact, & another assisted him, and aided him to commit the rape, hee thereby is a rauisher as farre forth as his companion which did the rape indeed, as it appeareth 11. H. 4. & tit Coron in Fitzh. pag. 120. And yet notwithstanding ỹ words of the statute of Westm. 2 ca. 34, are, if a man rauish a woman, &c. but that was the cause of the rape, without which perhaps the rape had not beene committed: and principal doer, in that he was present when the fact was done, & therefore aswel culpable of the fact as the principall doer is. And if any be acquitted of a principall fact, he is then acquitted of all offences as Accessory before the principall fact committed, but not of offences perpetrated as Accessory after the principall fact done, as it shall appeare after: And therefore some will argue in this case, as though that Accessories before the offence committed, be taken to bee within the compasse of a statute that maketh felony, though they be not expressed, for the reason before made: yet notwithstanding that proueth not, that accessory after the offence perpetrated, should bee within the compasse of such

such a statute if it be not expressed. But how soeuer it be, those of the Parliament in the time of King H.8. prouided for the same, as it appeareth as well by the Statute of Punting, anno 32. H.8. as by other statutes which at this instant are not in force. And by a statute made in the first and second yeare of P. & M. against vnlawfull and rebellious assemblies, which Statute as yet is in force. And by a statute made 1. Ma. concerning Egyptians, as yet also being in force, The which statute prouideth as well for Accessories before the offence perpetrated, as after, vide the statute of 3. H.7. of those that take maides, widowes, or wiues against their willes, where the words are, that such taking, procuring and abetting to the same, and also receiuing wittingly the said woman so taken against her will, and knowing the same, is felony: And that such misdoers, takers, procurers, and receiuers to the same, knowing the said offence in forme aforesaid, be henceforth reputed and iudged as principall felons. Note, as it seemeth there is no Accessory in this offence vpon the statute, in that by the words they be reputed and iudged as principal felons, which maketh them as it seemeth all principals, &c.

Note that in an an appeale of maihem, the plaintife may chuse to make euery of them principals, or him onely that did hurt him, to

be principall, and the others Accessories, vt pat 225. 221. & 199.

How the principall shal first be attainted, and after the accessories.

There are three sorts of attainders, viz. by confession, by verdict, and default or outlawrie, and in all these cases the principall ought to bee attainted before the Accessorie: but in the maner of proceeding to this attaint, there are diuersities of opinions, for Bracton saieth vpon the attainder by proces in this manner causæ quidem vtlagationis possunt esse mult &c. So that it appeareth, that at that time there was diuersities of opinions about the manner of attainder of Accessories by Outlawrie, which diuersitie was taken away by the Stat. of Westminster the first, the which is thus, viz. And for that that men haue vsed in some Countries to outlaw the People appealed of commandement, force, aid, & receiptment within the same terme, in which a man should outlaw him that is appealed of the fact as principall. It is prouided and commaunded by the King, That none bee outlawed for appeale of commandement, force, aid, or receiptment, vntill he that is appealed of the fact bee attainted: so that one onely Law thereof be throughout the whole Land, &c. But he that will appeale, should not therefore cease to continue his appeale at the next Countie against those, as well as against the Appellees of the fact, but the Erigent against them shall stay vntill such time as the Appellees of the fact

bee

be attainted by outlawrie or otherwise. This statute is not to be vnderstood of Appeales commenced by bill: for of Appeales commenced by writ, there appeareth not any to bee Accessory till such time as the count bee made, the which is not made, till such time as there bee also apparance for the Accessory, vt patet 43. Edw. 3. fol. 15. wherefore in that case where an Appeale is commenced by Writ, if the Plaintife will pray the Exigent against all, hee is thereby concluded to count after, against any one of them as Accessory, for if otherwise &c. he should not haue the Exigent against all them vntill the principall had been outlawed, for in that case he is concluded vt patet tit Coron in Fitzh. pag. 80. This statut willeth that the Appellee of the fact bee attainted before the Accessory shall be outlawed: Admit then, that at the time when the accessory is at the exigent, the principle appeareth if then the Exigent shall bee awarded against the Accessorie, till that the Proces against the principall bee determined &c. it seemeth not, for notwithstanding that the Proces bee determined, yet the principall is not attainted: and vntill such time as hee bee attainted, the accessorie ought not to bee outlawed, vt supra 7. H. 4. fol. 31. That which is said extendeth to that where the accessorie doth not appeare but maketh default: wherefore now let vs see what shall bee done when the accessorie

appeareth

appeareth in iudgement, and the principall also, and in respect therof, note you, that by the ancient law, the Accessory should not be put to answer till such time as the principall had bin attainted, vt patet per Bracton, Si omnes presentes sunt tã deforcia quam de fact' procedatur contra omnes per ordinem, dum tamẽ illi de fortia non respondeant antequã ille de facto cõuincatur, &c. And agreeable vnto him is the Booke of 44. Ed. 3. fol. 9. & tit Coron in Fitz. 216. but since that time the law hath bin changed, &c. for now, be it that the principall appeare, or make default, the Accessory, if hee appeare, shall answere, but if he plead to an issue, proces shall cease to be awarded against him for his tryall, vntill the Principall doe appeare, or be atainted of outlawry, vt pat 9. H. 4. & 7. H. 4. but yet those Proceese against the Jury shal not cease, vnlesse the Accessory will for it the Accessory will pray Proceese against the inquest, before the principall be attainted, hee shall haue them, in that it is dammage to none but himselfe. And whether hee be attainted or acquited, it is good, and he shall not bee againe arraigned for that offence: for the taking of the Inquest or verdict is not erroneous for the reason before made, vt patet titulo Coron 463. The same law is if the Accessory will wage his battell with the Appellant before the Principall doth come, vt patet ibidem pag. 8. for he may waiue the benefit

fit that the law doth giue him therein, &c.

Note ye that if the plea which the Accessory doth pleade, be a plea in abatement of the whole writ, the Principall therein shall haue the aduantage, notwithstanding his absence, so that the Exigent that is to bee awarded against the principall shall stay til it be known whether the whole writ shall abate or not, vt patet 9. H. 4. but if they both doe appeare, viz. the Principall and the Accessory, then ỹ principall must first answere, and after the Accessory, for such answer the Principall may make, ỹ the Accessorie shall not bee put to answer till the answer of the Principall be tryed, And ỹ is where the Principall doth not pleade directly to the felony, but some other plea, As if he plead that hee was once before attainted of the same felony, and the appellant to the contrary that is not so, & so they are at issue, in this case ỹ Accessory shall not answer before that issue be tryed, 9. H. 7. Quære if the like law be where ỹ Principall pleadeth in abatement of the whole writ, &c. But if the Principall plead to ỹ felony, the accessory thē presently after such plea shall plead also, And if they be at issue, a venire fac. may be awarded against them all, vt patet tit. Coron. where Fortescue saith, that if at the day in the Court, the Principall maketh default, the Inquest shall not bee taken for the accessory, but that the inquest shall go without day, & the principals, mani-

manicaptors or sureties, shall make their fine &c. And that agreeth with that which was said before, scilicet, that the Inquest shall stay for the accessarie, till such time as the principal commeth to bee attainted by Outlawrie, &c. Note, when I speake of the principall, I mean then all the principalls, for if there bee diuers sued as principals, and some of them do come, and some doe not, yet the Inquest shall stay vntill all the principals doe come, or be attainted of outlawry, if it bee so that hee bee appealed or indicted as accessarie vnto them all: otherwise it is if hee bee not appealed or indicted but as accessorie to one of them, for there it sufficeth those principals onely to come, or to bee attainted for whome hee is appealed or indicted as accessorie, without hauing regard to the residue, quod vid. 7.H.4.fol. 30. & tit Coron in Fitzh. 216. Also note yee, that it is requisite that this attainder of the Principall be in the same suit in the which the Accessaries be sued, for if it be in another suit, that will not permit the Accessorie to proceede in his inquest till such time as the Principall that is sued with him, doe come in, or bee attainted by Proces, as is aforesaid. And in an Appeale of death, against the Principall and the Accessory, the Principal before that time is attainted of the verie same death, vpon an Indictment at the kings suit, vt pat 7.H.4.fo.30. Quere, if the accessorie shall plead for his discharge

charge the acquitall of the principall in another ſuit, vt pat 277. Alſo it ſeemeth, that if the principall, ſince that attainder is dead, and the Iuſtices before whome ſuch Accellorie is ſued, haue before them the record of the attainder, that then they may proceed againſt the Accellory, otherwiſe not, 7. Hen. 4. fol. 23. We haue ſaid before, That the Inqueſt ſhall not proceede againſt the Accellorie, till ſuch time as the principall doe come in, or bee attainted, &c. Admit then that the principall doth come in, and will ſay nothing, but ſtand mute, What ſhall in that caſe be done with the acceſſarie? Huſſey ſaith, 3. Hen. 7. That, that notwithſtanding the Accellorie ſhal be arraigned, quod vide titulo Corone 36. & 51. where the principal challengeth aboue the number of 36. which was peremptorie to him, therefore hee was hanged without farther triall, becauſe he ſhould challenge but inſt 36. or vnder, and not aboue, and in that caſe ỳ accellory was tried, & found guiltie: and the Iuſtices did aduiſe with themſelues, what ſhould be done in that caſe, for they were of diuers opiniõs, &c. This Attainder whereof wee haue ſo often ſpoken, though that it be erronious, yet notwithſtanding that court ſhall proceed wõ the Accellorie, for the Accellorie ſhall vtterly take aduantage of that error, quod vide anno 2. R. 3. fol. 21. Alſo there is one caſe, that although ỳ principall bee not attainted, yet the Accellorie ſhall

bee

be hanged, As if one Abiure as Accessorie, and afterward the Principall commeth, not being attainted, Tamen, the Iustices in fauore vitæ, did inquire if the Accessorie was attainted or not, The same law shall be in the cases aboue-said, as it seemeth where the Accessorie of his owne good will wage battaile, or haue the Inquest procéede before the Principall doth come, &c.

Whither the acquital of the principall, discharge the accessory, or not.

Note, That if the principall be acquited, the Accessorie is thereby discharged, for Bracton saith, vbi fact̃ nullum, fortia nulla, nec præcept̃ nocere debet, vbi iniuria nulla habuit effectũ, &c. Wherefore it is cléere, ý the acquital of the principal, is also the acquitall of the Accessorie, or if it happē ý the Principal cannot bee tried, as if hée dye in Prison before hee be attainted, thereby the Accessorie is discharged, otherwise it is if he die after the atteinder, &c. The same law is, if before the principall bee atteinted of ý felony, he is atteinted of another felonie and hanged, the Accessory hereby is discharged, vt patet tit̃ Coron̄ in Fitz. 378. The same law is though hee bee not hanged after the atteinder, in that case he shal answer to any other felony vnles it be robbery or Treason, the same Law is, if it be found that the principall killed him, se defendendo, the accessorie is therby discharged, vt patet 116. Et tamen there the principal purchaseth his Pardon, &c. But that Pardon argueth not that hee is culpable in any other manner

maner than ſe defendendo. But of other pardons otherwiſe it is, for if the principall doth plead his Pardon to a felony generally, without any ſpecial matter found, the which ſhould cauſe the Pardon, and is thereby diſcharged, yet that ſhall not diſcharge the Acceſſorie, but he ſhall be found guiltie of the felony, vt pat̃ tit̃ præd̃ 260. for by ſuch a pardon ỹ felony is confeſſed, of which felony he prayeth to be diſcharged ex gratia Regis, and not by courſe of the Law, as it was done in the other caſe, Quære tamen, for the contrarie is agreed by way of argument, 3. H. 7. tit̃ pd̃ 53. And alſo by the opinion of Thyrn. 7. H. 4. fo. 13. And his reaſon is, that when the life of the principall is giuen him by the law, in what manner ſoeuer it bee, the felony is extinct in his perſon, and by conſequence acquited.

And ſo it ſhall be where the principal taketh him to his Clergy. And with this caſe agreeth the book of 3. H. 7. f. 2. tamen Fitz. tit̃ præd̃ 53 hath reported that booke of 3. H. 7. to the contrary, ſcz. ỹ notwithſtanding that the principal ſhal haue his Clergy, yet the acceſſory ſhall be hanged. And according to that ye ſhall find ibm̃ 270, & 266. Sed diſtinguendũ eſt, of the caſe of the clergy, ſcz. whither he be clerke conuict, or clerke atteint, for if he be clerke attaint, by the auncient Bookes the Acceſſory ſhall be hanged, for that the principall in that caſe cannot at any time make his purgation,

and

and otherwise perchante, if hee were Clerke conuict, in that the Clerke conuict may make his purgation, wherefore in that case they did vse to let accessories to mainprise, vntill such time as the principal had made his purgation, &c. vt pāt tit Cor 145, 176, 252, 376, 193. & 7. H. 4. f. 13. & 13. E. 4. f. 3. and then vpon his purgation to discharge the Accessorie, and if he died, or escaped before purgation, &c. then to proceed to the attainder of the accessorie, &c. Quær if the difference will hold place at this day in that, in the new bookes, before they haue repugnancie of opinion in the case where purgation is to be done, That is to say, in the case of a Clerke conuict, for some would in that case that the accessorie should be discharged, & some would not, So that in that case of the Clergy, and of the pardon, the new bookes and the old agree not.

Note where it is said before, That the Acquitall of the Principall is also the acquitall of the Accessorie, That is to bee vnderstood if it bee not in Appeale when the Accessorie is to recouer damages, for if hee will recouer damages, he ought to bee tried notwithstanding the acquitall of the Principall, vt pāt in Fitzh. pag. 223. Quær if that bee Law now, by vse, for it seemeth reasonably, that he should haue his damages vpon ỹ acquitall of the principall without being tryed, or otherwise should ensue that the Court would admit an Accessory,

where-

whereto then it appeareth that there is no principall which should be inconuenient, for as Bracton hath well said, non possunt appellantes primo & principali appellato omisso, iungere duellum cum appellantes de fortia & precept̃, &c. In my Lord Cokes 4. booke of reports, f. 44. in an appeale brought by one Bibiches termino Paschæ, anno 39. Eli. it is there resolued for law, that although the principall was conuicted by verdict, yet insomuch that he had his Clergie his accessaries both before and after the felony were discharged, and the same law is there resolued, if a principall vpon his arraignment confesse the felony, and before iudgement gets a pardon or hath his Clergy allowed him, the Accessary thereupon is discharged. 2. E. 3. 27. 22. E. 3. tit. Coron̄ 260. 5. H. 4. 16. 19. H. 4. 5. 3. H. 7. 1. & 3. H. 7 tit Coron̄ 53. *Quod nota.*

A. G. vid nuper vx' R. G. in propria person̄ sua instanter appellat M. D. nuper de N. in comitatu S. yeoman, & I. B. nuper de A. in comitatu pred yeoman, in custodia T. P. milit vic' com̄ predict. existen̄, & ad ad barr̄ ā duct' in propria persona sua, de mort̄ predict. R. nuper viri sui de eo qd̄ vbi idem R. G. 28. die A. anno, &c. fuit in pace dei & dicti dñi reg operans & laborans in comburiend̄ carbones in terr̄ I. G. milit voc' S. in quodā loco ibid̄ voc' a Cole place, apud C. in com̄ prædict' vbi venerr̄ prædict. M. D. & I. B. vt felon̄ dict' dom̄ reg. *An appeale of murder and robbery. South.*

reg. & de inſultu & malicia præcogitat, ac ad intention pd R.G. de bonis & de denarijs ſuis depredand & ſpoliand in eundem R.G. præd 28 die A. & ann 30. ſuprad circa horam 9. poſt meridiem eiuſd diei, vi & armis, viz baculis, cultellis &c. apud C. præd in pdict' loco inſultum fecerunt, & eund R.G. adtunc & ibid felonice & voluntarie interfecer & murdrauer & eund R. ſic interfect' adinde incontinenter aſportauer vſque quendam boſcum voc', &c. diſtan a præd loco circa decem per exiſten in parochia de T. in eodem Com, ac ipſum ibidem in Silueſtre loco roborum abſcondiderunt & proiecerunt, Ac gutter ſuum adtunc & ibidem ſcinderũt contra pacem dicti domini regis coron & dignitat ſuas, Et qua cito iidem felones felonium & murdrum prædict' feciſſent fugierunt & prædict' A. ipſos recenter inſecut fuit de villa in villam vſque quatuor villas propinquiores, Et vlterius quouſque, &c. Et ſi prædict' M. D. & I. B. felonium & murdr prædict' in forma prædict' fact' dedicer velint tum prædict' A. parat eſt felon & murdr pd verſus eos probare prout cur hic conc' & inuenit pleg. de proſe. Appell, illud viz. I.W. & C.E. &c.

E P. de H. in Comitatu præd Yeoman in propria perſona ſua iuxta formam Statuti in parliamento dom reg. R. nuper regis Ang. ſecund poſt Conqueſt. apud Weſtmonaſterium anno regni ſui ſexto ten edit inſtanter appellat

lat̃ I.B. nuper de H. in priſona, &c. de eo quod vbi I. vxor prędict' E. P. fuit in pace dei & Domiñ Regis nunc apud H. in comitatu prędict' die, &c. Anno, &c. circa horã, &c. ibi venit præd̃ I.B. felonice vt felo Dom̃ Reg. nunc inſidiand̃ & inſult̃ premeditat̃ cõtra pacem eiuſdem domiñ regis coron̄ & dignitat̃ ſuas die anno hora & loco præd̃, Et præd̃ I. adtunc & ibidem felonice rapuit & cum ea adtũc & ibidem carnaliter concubuit & eadem I. eidem I. B. poſt raptum prædictum in forma prædicta perpetrat̃ ſcilicet, &c. die & Anno, &c. de perpetratione eiuldem raptus conſentiunt & eum pro eodem raptu iuxta debitam legis formam punire omnino recuſauit, Et quam cito, &c.

Appeale de raptu per prox. de ſanguine.

W. L. proxim̃ de ſanguine I. filiæ & hæred̃ T. L. iam defunct', ſcilicet frater prędt̃ T. L. patris præd̃ I. felonice rapt̃ in propria p-ſona ſua inſtanter appellat R. P. de K. in comit̃ S. Yeoman & in cuſtodia, &c. iuxta formã ſtatuti domini Rich. nuper regis Angl' ſecund̃ poſt conqueſtum, Anno regni ſui ſexto tent̃ æ-dit̃ de rapt̃ præd̃ I. & pacis Domiñ Regis nunc fract', de eo quod vbi prædict' I. fuit in pace dei & Domiñ Regis nunc apud M. in com̃ E. die, &c. Anno, &c. circa horam, &c. vbi venit prædict' R. vt felo domini regis nunc inſidiand̃ & inſult̃ præmeditat̃ contra pacẽ dict̃ domini Regis coron̄ & dignitatẽ, ſuas die anno hora & loco præd̃, & præd̃ I. felonice ra-

puit, contra formam ſtatuti prēd', &c. Et quam cito, &c.

I. A. in propria perſona ſua appellat R. L. de D. in com̄ S. Yeoman de eo quod vbi idem I. A. fuit in pace dei & domini regis nunc apud C in com̄ prēd', die, &c. Ann̄, &c. circa horam octauam poſt meridiem eiuſdem diei vbi ven̄ prędict' R. felon̄ & felo dict' domini regis ibidem, inſideand' inſult' præmedit', contra pacem dict' domini regis coronam & dignitatem ſuas, die anno hora villa & comit' prædictis quadam ſagitta ſagitauit præfat' I. A. in genu ſiniſtro per quod vēnæ & nerui eiuſdem genu totalit' exſiccat' fuerunt & ſic ipſum felonice Maihemauit. Et quam cito, &c. Et ſi, &c. Idem I. hoc parat' eſt verſus eum probare prout cur' &c.

D. B. in p̄opria perſona ſua inſtanter appellat R. E. de ampu tation linguæ ipſius D. & pace domin̄ regis fract' pro eo viz. quod cum per quoddam ſtatut' in Parliament' H. 4. nuper regis Angl', ann̄ regn̄ ſui quinto apud Weſtm̄ tent' ædit' ordinat' ſit quod malefactores qui linguas hominum amputarent vel oculos eruerunt legeorum domin̄ regis hoc debit' probat' & comperт' quod tale fact' ex malitia præcogitat' fuit perpetrat' penam felon̄ incurrerent prout in ſtatuto prædict' plenius continetur Ac vbi prædict' D. fuit in pace dei & domin̄ regis nunc apud H. in comitat' prēd' die & anno, &d. circa hor̄, &c. ibi venit prædict'

R. E.

R. E. felonice vt felo domini regis inſidiãꝫ & inultꝫ præmeditat contra pacem domiñ regis coroñ & dignitat ſuas die anno hora loco & comitat prædict', & cum quodam cultello quem tenuit in manu ſua dextra linguã ipſius D. felonice amputauit. Et quã cito, &c.

Memorandꝫ quod die Martis, &c. I. R. nup de L. &c. diuerſ. felon corã dño rege apud W. freiſſe cognouit petendo coroñ domñ regis ſibi pro commodo ipſius regis & regni ſui aſſignari & probat dict' R. deuenit. Et ſup hoc ego I. W. coroñ. domin' regis, &c ei aſſignꝫ fuer p cuꝫ ad recordandꝫ ea que dictus probator corã me dicere ſeu cognoſcere voluerit, & dat fuer dies per cuꝫ eidem probatori pro diebus ſuis appellandꝫ, ſcz. die Lunæ Martis & mar cuꝫ tunc prox', ſequẽ. Et poſtea, ſcz. die Lunæ pd corã me præf. coroñ apud W. venit probator ſub cuſtod Marꝫ domñ regis in propria perſona ſua & appellat T. C. nup de L. & H. R. nuper de S. &c. de eo qꝺ præd T. C. ſimul cum ipſo p̃bator circa primũ diẽ S. Anno, &c. apud B. in com M. vnam petiam argenti ad valentꝫ xxx. ſolid de bonis & catallis A. B. ibidẽ, &c. felonice furat fuerint: Et pd H. R. ſciens ipſos T. C. & probatorem felonia illã ſic fecciſſe, ipſos apd B. pd quarto die tunc px' ſequen felon receptauit & petiam Argenti prædict' de ipſis emit, &c.

Where a felon appeale, and calls for the Coroner.

Idem modus obſeruetur in alijs ſimilibus &c.

Alias ſcilicet die Iouis proxim, &c. anñ, &c. apud O. I. B. nuper de H. yeoman, coram L. M & ſocijs ſuis Iuſticiar̃ dom̃ Regis ad pacem in comitatu prædict' conſeruand aſſigñ Indictat̃ de eo quod ipſe die & anno, &c. (recitando Indictamen̄) contra pacem domini Regis coram præfat̃ Iuſtic' allocat̃ qualit̃ ſe vellet inde acquietare feloñ prædict' cognouit & probator dom̃ Regis deuenit petendo coronatorem dom̃ regis ſibi aſſignari, ſuper quo ego I. W. vnus coroñ dom̃ regis comit̃ prędict' ei aſſigñ fuit ad audiend̃ vt recordand̃ ea que ipſe pro commodo ipſius regis dicere aut coram me cognoſcere vellet. Et poſtea ſcilicet tali die &c. dixit coram me præfat̃ coroñ apud E. prædict' probator. quod W. I. de L. in comitatu L. yeoman, Ac idem probator in Regia via inter W. & B. ad diſtan̄ decem milliarum de B. prædict' decim̃ die, &c. anno, &c. in quendam I. B. inſultum fecer̃ verberauer̃ & maletractauer̃ & ſex marcas ſtarling, in pecunijs numer̃ de bonis & catall' ipſius I. W. tũ & ibm̃ inuentis felonice ceperunt & depredati fuer̃ vnde idem ꝓbat̃ pt. W. I. Appellat, &c.

Hoc audis dom̃ coronator̃ quod ego B. C. ſim latro vn̄' equi vel alter̃ rei vel homicidia vn̄' hominis vel plurimorũ: Et felo dom̃ Iac. Regis Angliæ, &c. Et quia multa mala & latrocinia perpetram in hac terra abiur̃ regnum dom̃ Iac. Regis Angliæ, &c. Et debeo me feſti-

festinare versus portam de tali loco quem dedisti mihi, Et quod non debeo diuertere ab alta via; & si faciam, volo quod sim captus sicut latro & felonus domiñ Regis, Et quod apud talem locum quæram diligenter transiliũ meum & non expectabo ibi nisi fluxum & refluxum vnum si transiſ habere poteſ, Et nisi tanto spacio abire potero ibo quodlibet die in mare vsque ad genua mea, temptans transire, & nisi hoc potero infra xl. dies continuos mittam me interum in Ecclesiam sicut latro & felonus domiñ Regis sic de me Deus adiuuet secundum iudicium.

But it seemeth by the statute of 22. Hen. 8. that this kind of abiuration is taken away, and that it was the Kings pleasure that such person which did abiure, should bee abiured from all his abilitie, to some Sanctuarie within this Realme, there to continue his during his life, and that he should be burnt in the right hand with this letter A. to the end hee might be knowen to an abiured person, and if after he was taken abroad out of the Sanctuary, then he should vndergoe such punishment as persons abiured did before the making of the said statute: And if any felon refuse to abiure before the Coroner, hee shall lose the benefit of the Sanctuary by the statute of 21. H. 8. cap. 2.

This heare you Sir Coroner, that I. I. of

P. of Y. in the county of S. am a Popish Recusant, and in contempt of the Lawes and statutes of this realme of England, I haue and do refuse to come to heare diuine seruice there read and exercised; I doe therefore according to the intent and meaning of the statute made in the xxvi. yeere of Queene Elizabeth late Queene of this realme of England, abiure the land and realmes of king Iames, now king of England, Scotland, France, and Ireland, And I shall hast mee towards the Port of P. which you haue giuen and assigned to mee, and that I shall not goe out of the high way leading thither, nor returne back againe, and if I do, I will that I be taken as a felon of our said Lord the King, And that at P. I will diligently seeke for passage, and I will tarry there but one flood and ebbe, if I can haue passage, and vnlesse I can haue it in such space, I will goe euery day into the Sea vp to my knees, assaying to passe ouer: so God me helpe and his holy iudgement, &c.

The forme of a certificat of an abiurtaion.

Memorand quod accidit apud E. in com S. die sabat, scz. vicesimo die I. anno, &c. quidam R.S. nuper de P. in com L. yeoman, cepit ecclesiam parochialem de P. predict' pro immunit & tuitione sacrosanct' Eccles. in ead habēd actione diuersarum p ipsū pantea factarum & petijt coron dom regis sibi adduci, Super quo ego I.W. vnus coron dom regis comitat pred

accessi

acceſſi ad ipſum R. in eccleſia p̄d̄ ſic exiſten̄, & ipſum coram me dict' die Sabat̄ in Eccleſia p̄ed̄ict' fatebatur & voluntarie cognouit qd̄ ipſe 27. die Maij tunc vltimo p̄terito apud L. in parochia ſanct̄ S. in warda de F. vnum maſerum cum argent̄ coopertum cuiuſd̄ I. B. in domo ipſius I. ibid̄ exiſten̄ ad valen̄ xxx. s. felonice furatus fuit ob quam felon̄iam petijt a me p̄fat̄ coron̄, regnū Angl' abiurare, Sup quo tradito ei libro per me præfat̄ coronatorē, idē R. regn̄ p̄d̄ corā me prædict̄ die Sabat̄ in eccleſ. præd̄ abiurauit in idem regnum nunquā redit̄ abſq; ſpeciali licentia & recōciliation̄ regni Angl', Et aſſign̄ eſt eidem R. pro tranſitu ſuo extra regnum portus Donorū cruce in manu ſua dextra port̄ prout lex Angliæ eſt & cōſuetudo, &c.

Et ſuper hoc ven̄ p̄ed̄ G. & dic' quod ipſe 14 die I. anno, &c. cepit eccleſiam ſancti G. apud S. in com̄ præd̄ pro diuerſis felon̄ p̄ipſum p̄antea perpetrat̄ pro ſalutation̄ vitæ ſuæ & tuitione ſacræ ſanctæ eccleſiæ, petitq; priuilegiū eccleſię illius, Et quod I. L. & al' eidem G. ignot̄ ipſum adtunc & ibm̄ extra eccleſiam p̄ræd̄ violent̄ & contr̄ volūtat̄ ſuā cepeř & abduxeř. Et hoc, &c. Et petit reſtituer̄, &c. Et, &c. ad felon̄ non cul'.

Vbi vnus capt' fuit extra Sanctuarium & petit reſtituer.

Inquiſitio Indentat̄ capt̄ apud B. in com̄ p̄d̄ die martis videlicet 21. die Decembris anno regni

An Inquiſitiō in murder. *South.*

regni dominæ noſtræ Elizabeth. Dei gratia Angliæ, Franciæ, & Hiberniæ, Reginæ fidei defenſoꝛ, &c. xviij. Coram me I. S. geneꝛoſ. vno Coroñ dictæ dominæ Reginæ comitat prædict', Super viſum corporis cuiuſdam E. S. generoſ. ibidem mortui iacen per ſacramentum I. S. &c. Iurat triat & onerat ad inquirendum qualiter & quomodo prædict' E. S. ad mortem ſuum deuenit, Qui dicunt ſuper ſacramentum ſuum quod I. H. de S. in Comitatu prædicto yeoman quarto die Auguſti, Anno regni dictæ Dominæ Reginæ viceſimo apud E. prædictam in Comitatu prædicto circa horam decimam ante meridiem eiuſdem diei, Deum præ oculis ſuis non habens ſed inſtigatione diaboliça ſeduct' & moꝛ ex malicia ſua præcogitata felonice vt felo dictæ Dominæ Reginæ in & ſuper dictum E. S. in pace Dei & dictæ Dominæ Reginæ exiſtens adtunc & ibidem vi & armis inſultum & affraiam fecit, Et quod prædictus I. H. cum quodam gladio Anglicè vocat A Sword valoris quinque ſolidorum quem Idem I. H. in manu ſua dextra adtunc & ibidem tenebat & adtunc & ibidem prefatum E. S. felonice percuſſit & cum gladio prædicto dedit eidem E. S. adtunc & ibidem vnam plagam mortalem ſuper ſiniſtrum genum ipſius E. totaliter abſcindens quoddam os prędict genu ipſius E. Anglicæ vocat the panne of the Knee longitudinis quatuor pollicium latitudi-

titudinis duorum pollicium & profunditatis duorum pollicium, de qua quidem plaga mortali idem E.S. vicesimo die Decembris, anno supradicto apud B. prædictum Comitatu prædicto obijt. Et sic Iuratores prædict super sacramentum suum prædictum dicunt quod prædictus I. H. modo & forma prædicta prædictum E. S. felonice & ex malicia sua prꝯcogitata interfecit & murdrauit contra pacem dict Dominæ Reginæ coronam & dignitatem suas, Ac insuper Iuratores prædicti super sacramentum suum prædictum dicunt quod prædictus I.H. tempore feloniæ & murdredi prædicti facto, nulla habuit bona aut catalla terras neque tenementa in comitat prædicto ad eorum noticiam, In cuius rei Testimonium tam ego præfat coron quam Iurat prædict' huic Inquisitiõn sigilla nostra alternatim apposuimus die anno & loco supradict' &c.

Per Ioh. S. vnum Coronat' dicte Reginæ com' prædict'.

Inquisitio Indentat capt apud H. in comitatu prædict coram me I.W. generos. vno coron domini Regis comitatu prꝯdict die Martis, videlicet vicesimo die Ianuarij Anno regni domini nostri Iacobi Dei gratia Angliæ, Sociæ, Francię, & Hiberñ Regis fidei defens. &c. viz. Angliæ, Franciæ, & Hiberñ tertio, & Scociæ tricesimo nono. Super visum corporis eiusdam C.B. nuper vxorem P.B. de H. South. *Murder' al'.*

præd

prēd apud H. pd felonice interfec adtunc & ibm̄ mortui iacent̄ per ſacramentum proborū & legalium hominum de villa de H. & trium aliarum vill' propinquarū videlicet S.N.& C ,put moseſt,&c. ad inquirend̄ qualit & quomodo præd C. ad mortem ſuā deuenit̄ videlicet per ſacramentum A.B. C.D.&c.ad numer̄ duodecem̄ adminus qui dic' ſuper ſacramentū ſuum quod vbi præd C. die anno loco q̄ comitat̄ predict' circa horam ſecundampoſt meridiem eiuſdem diei martis, fuit in pace Dei & dicti domini regis apud H. præd, ibi venit quidam W.B.nuper de C.in com̄ W.genet̄ felonice vt felo dicti domini regis inſidiando & ex inſult̄ premedii contra pacem eiuſdem dñi regis coron̄ & dignitat̄ ſuas die anno hora loco & comitat̄ pd,in pdi am C.magiſtram ſuam q̄ adtunc grauida fuit & vicina partui inſultū fecit & eandem C.cum quodam ſecur̄ vocat̄ a hatchet valor̄ quatuor denar̄ quem idem W. adtunc & ibidem in manibus ſuis teruit,ſuper ſiniſtram partem capitis ſui felonice percuſſit dans ei plagam mortal' de qua quidem plaga mortalis eadē C inſtāter obijt. Et ſic Iur̄ prēd ſuper ſacramentum ſuum pd dic' quod pdict' W.B.præd C.magiſtrā ſuā adtūc & ibm̄ felonice interfecit & murdrauit contra pacē dicti dñi regis coron̄ & dignitat̄ ſuas,&c.In cui' rei Teſtimon̄,&c.

Inquiſitio,&c.ſuper viſum corporis cuiuſdā I.S.ibm̄ mortui iacēt̄ per ſacrm̄ A.B.C.C.&c.

ad

ad numerū duodecē ad minus Iuratorꝝ triat et onerat ad inquirendum qualiṫ & quomodo p̄dict' I.S ad mortem ſuum deuenit qui dic' ſup ſacramentum ſuum quod ita accidit apud M. in comitat̄ p̄d die,&c. Anno,&c circa horam &c. ꝙ vbi præd I. S. fuit in pace Dei & dicti dñi regis apud M. præd eiſdē die anno loco & hora ibi veñ W.L. de M. predict' & S. T. de S. in comitatu prædicto Yeomen vt felon̄ dicti Domini Regis, & exmalicijs ſuis precogitat̄ in ipſum I.S adtunc & ibidem inſultum fecerit & præd W. L. cum quadam pugione Anglice a Dagger valoris quatuor denar̄ quem ipſe in manu ſua dextra adtunc & ibm̄ tenebat & dict' I.S. ſuper ſiniſtram partem corporis ſui, videlicet ſuper aſſellam percuſſit vſque ad corum ſuum dans ei plagam mortalem vnde idē I.S inſtanter obijt, Et ſic Iuratores pred ſuper ſacramentum ſuum predict' dic' quod p̄dict' W.L prefatum I.S. apud M. p̄d modo & form̄ predict' felonice interfecit & murdrauit contr̄ p̄acem dicti Domini Regis coron̄ & dignitat̄ ſuas,&c. Et vlteri⁹ Iuratores præd ſup ſacramentum ſuum pred dic' quod p̄dict' S. T. die anno loco et hora p̄d fuit preſens aſſiſtanc' ab bettanc' procuranc' confortanc' & manntenēs p̄fat̄ W.L. ad feloniam & murdrum pred in forma p̄d faciend et perpetrand. In cuius rei Teſtimon̄,&c.

South: Manſlaughter

Inquiſitio,&c. vt pred eſt qui dic' ſuper ſacra-

cramentum ſuum quod R. S. nuper de D. in Comitatu prædicto yeoman decimo nono die Decembris anno decimo ſupradicto vi & armis, videlicet gladijs, &c. in quendam T C. apud D. prædict' in comitat prędict cum quodam candelabro Anglice **with a candlestycke** valoris duodec' denarior quod idem R. in manu ſua dextra adtunc & ibidem tenuit eundē T. ſup caput ſuum felonice percuſſit dans eidē T. adtunc & ibidem vnam plagam mortal' lōgitudinis duorum pollicium latitudinis dictæ vnius pollicis & profunditatis trium pollicium, poſteaque ſcilicet eiſdem die anno & loco idem R. corpus eiuſdem T. adtūc & ibidem ad terram proſtrat manibus genibuſque ſuis tam dire & violenter quaſſauit, Ita quod prędict' T. de plaga & quaſſacione prædict interijt. Et ſic Juratoꝝ prædict' ſuper ſacramentū ſuum predictum dic' quod prędict R. prędict T. modo & forma prædict' adtunc & ibidem felonice interfecit contra pacem dicti domini regis coroñ & dignitatem ſuas, &c. Et vlteri' Jurat prædict' ſuper ſacramentum ſuum præd dic' quod præd R. tempore feloniæ p̄d p ipſum vt præd eſt comiſſ. nulla habuit bona aut catall' terr̄ neque tenement in com̄ præd nec alibi ad eorū notitiā, In cuius rei Teſtim̄, &c.

South. Roberie & murder per hominem ignot'.

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum quod viceſimo quarto die S. anno, &c. fit accidit quod quidam homo ignotus Deus præ

præ oculis ſuis non habens ſed inſtigatione diabolica ſeductus & motus vi & armis videlicet gladijs, &c. inter horas ſeptimam & octauam eiuſdem diei apud L. in comitatu prædict' via regia ibidem in & ſup prędict' S. B. adtūc & ibidem in pace Dei & dict' domini Regis exiſtēs felonice vt felo dicti domini regis inſultum fecit & predict' homo ignotus cum gladio prædict' valor quatuor denariorū quem idē homo ignotus in manu ſua dextra adtunc & ibīdem tenebat prædict' S. B. ſuper pectorem ſuum adtunc & ibidem felonice percuſſit dans eidem S. B. adtunc & ibidem cum gladio prædict' vnam plagam mortalem latitudinis vnius pollicis & profunditatis ſex pollicium de qua quidem plaga mortali prædict' S. adtunc & ibidem inſtanter obijt, Et ſic Iurat prædict' ſuper ſacramentum ſuum prædictum dic' quod prædict' homo ignotus præfatum S. B. modo & forma prædict felonice interfecit & murdrauit contra pacem dicti domini regis coron & dignit ſuas, Et vlterius Iurat prędict ſuper ſacramentum ſuum prædict dic' quod prædict homo ignot poſtquam ipſum feloniam & murdrum prædict ſcilicet in forma præd feciſſet & perpetraſſet fugam fecit contra pacem dict domiñ Regis, &c. In cuius rei Teſtimoñ, &c. *Fugam fecit.*

Murder' de ſe ipſo qui ſeipſum ſuſpend' nul' terr' foriſ.

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum quod prædict H. quarto die Aprilis, anñ, &c.

&c. ſur radicto circa horam quartam poſt meridiē eiuſdem diei deū pre oculis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus apud T. p̄dict' in quodam prato eiuſdem W. vocat' Edes meade adtunc & ibidem ſolus exiſtens cum vno ſingulo corrij valoris vnius denarij quod ipſe adtunc & ibidē in manibus ſuis habuit & tenuit, & vnum finem inde circa collum ſuum adtunc et ibidē poſuit & alterū finem inde circa ramum cuiuſda arboris ſilicis liganit & ſeipſum adtunc & ibm̄ cum ſingulo p̄d voluntarie & felonice ſuſpendit & ſuffocabat, Et ſi. Iuratores p̄d ſuper ſacramentum ſuū p̄d' dic' quod p̄dict' H. W. modo & forma p̄d' voluntarie & felonice vt felo de ſe ſeipſum murdrauit contra pacem dicti dñi Regis coron̄ & dignitatem ſuam, &c. Et vlterius Iuratores p̄dict' ſup ſacramentum ſuum i p̄dctum dic' quod p̄d H. W. tēpore felonie p̄d nulla habuit bona aut catall' in com̄ ad eorū noticiā. In cuius rei Teſtimon̄, &c.

Coroner's Felonious drowned ſelf

Inquiſitio, &c. vt ſupra qui dic' ſuper ſacramentum ſuum quod prædict' A. P. tertio die Octobris anno, &c. ſupradicto circa horam, &c. Deum præ oculis ſuis non habens ſed inſtigatione diabolica ſeduct' & motus ex malicia ſua p̄cogitat' apud S. p̄dict' in comitatu p̄d adtunc & ibm̄ ſol' exiſten̄ in communi riuola ibm̄ ſeipſum voluntarie & felonice emergit. Et ſic Iuratores præd ſuper ſacramentum ſuum

præd

pred̄ dic', quod prædictus A. P. modo & forma prędict' adtunc & ibidem voluntarie & felonice vt felo de ſe ſeipſum occiſit murdrauit contra pacem,&c. In cuius rei Teſtimoñ &c.

De homine ſuinat' qui ſeipſ' emergit' non eſt felonia,

Inquiſitio,&c. ſuper viſum corporis cuiuſdam G.P. ibidem mortui iaceñ per ſacramentum A.B. &c. Iurat̄ ad inquirend̄ qualit̄ & quomodo prædict' G.P. ad mortem ſuam deuenit, qui dic' ſuper ſacramentum ſuum quod prædict' G. P. quarto die Maij Anno &c. ſupradict' apud H. exiſtens adtunc & ibidem non compos mentis ſeipſum in vnum fontem voluntarie proiecit, Et ſic Iurat̄ predict, ſuper ſacrament̄ ſuum pred̄ dic' quod p̄d G. P. ex cauſa p̄dict' modo & forma predict' ad mortem ſuam deuenit. In cuius rei Teſtimonium,&c.

Depriſonar' qui moriebant' in gaola uō.regis.

Inquiſitio,&c. ſuper viſum corporis cuiuſdam H.C. nuper de O. in comitatu prædict' Husbandman ibidem mortui iacent̄ qui ante tunc commiſſus fuit ill' per B. T. mil' vnum Iuſtic' pacis dicti domini Regis comitat̄ predict' pro ſuſpect' felon̄ per ſacramentum A.B. &c. qui dic' ſuper ſacramentum ſuum quod prædict' H.G. decimo die Ianuar̄ anno, &c. ſupradict' in gaola prædict̄ ex viſitatione Dei obijt. Et ſic Iurat̄ predict̄ ſuper ſacramentum

ſuum prædict' dic' quod prædict' H.G. modo & forma ptedict' ad mortem ſuam deuenit & non aliſ ad eorum notitiam. In cuius rei Teſtimoñ,&c.

Inquiſitio, &c. qui dic' ſuper ſacramentum ſuum quod quatuordecem die Aprilis anno &c. ſupradicto apud C. in comitatu ꝑdict inter horas ſeptimam & octauam ante meridiem eiuſdem diei cum vno falcaſtro Anglice an Axe qđ idem L. H. adtũc & ibm̃ in manib' ſuis habuit & tenuit ſcindebat & proſtrauit vnum quercum adtunc creſceñ in quodam boſco vocaſ le Chaſe ratione cuius proſtracionis querci prædict' prædictus quercus adtunc & ibidem per infortunium cecidit ſuper caput prædict' L. H. dans eidem L. H. vnam plagam mortalem longitudinis trium pollicium, & profunditatis vnius pollicis de qua quidem plaga mortali prædict' L. H. adtunc & ibidem inſtanter obijt. Et ſic Iuraſ prædict' ſuper ſacramentum ſuum prædictum dic' quod L.H. modo & formo prædict' per infortunium ad mortem ſuam deuenit, Et vlterius Iuratores prædict' dicunt quod prædictus quercus eſt valoris octauorum ſolidorum & quod iacet in boſco prædict' modo in tenura cuſtodia ſiue occupatione reuerend in Chriſto patris Thomæ domiñ Epiſc. Wintoñ. In cuius rei Teſtimoñ,&c.

Inqui-

Inquisitio Indentat &c. qui dic' super sacramentum suum quod prædict' R.W. vndecimo die Octobris, &c. Anno, &c. supradicto apud P. prædictum in Comitatu prędicto eundo cum carma sua a Reding in Comitatu B. vsque Basingstoke in Comitatu Southt. prædict' per viam inter R. & B. prædict scilicet apud P. prædictum in Comitatu prędict carma sua prædict onere suo Angliæ his said Cart with the loade cessidit super corp' præd R.W. Et ita quassauit corpus suum quod de quassatione ill' prædictus R. adtunc & ibidē instanter obijt. Et sic Iuratores prædict super sacrament̄ suum prædictum dicunt quod prędict R.W. modo & forma prædict per infortuniū ad mortem suam deuenit, Et vlterius Iuratores prædict super sacramentum suum prędict dic', quod adtunc & ibidem tres equi & duo boues cum carma prędict' & onore suo videlicet sex sarcinarū lanæ Anglice six packes or farthels of Wooll continen in se per estimationem viginti quatuor pond. Anglice containing in them by estimation foure and twentie tods of Wooll mouerunt ad mortem prædict R.W. Et qd̄ p̄d̄ tres equi & duo boues sunt p̄cij 4.li. & 10.s. Et quod p̄d̄ carma est valoris xx.s. Et qd̄ p̄d̄ equi boues & carma remanent in custod I.W. de P. p̄d̄ vid̄ nup vxore præd R.W. Et quod præd̄ sex sarcinæ sunt valoris sexdecem librarum, vnde dic' duo prædictarū sex sarcinarum sunt valoris 4. li. 13. s. 4. d.

Al' peo infortunium per carmam cum onere suo.

& remanēt in cuſtodia H.P. de B. p̄d̄ Clothier & quod al' tres ſarciñ p̄dict̄ ſex ſarcinarū ſūt valoris octo librarū & rem̄ in cuſtod̄ T. B. de Romſey in comitatu S. p̄dict' Clothier, Et p̄d̄ vna alia ſarcina reſid̄ p̄dictar̄ ſex ſarcinarū eſt valoris ſexaginta ſex ſolidorū & octo denarior̄ & rm̄ in cuſtod̄ W. B. de R. p̄d̄ Clothier. In cuius rei Teſtimoñ, &c.

FINIS.

The Oath of the Sherife to the Supremacie.

I B. C. do vtterly teſtifie and declare in my conſcience, that the Kings highnes is the onely ſupreame gouernour of this Realme, and of all other his highneſſe Dominions, and Counties, *Countreyes* as well in all ſpirituall things, or cauſes, as temporall: And that no forreine Prince, Perſon, Prelate, State, or Potentate, hath, or ought to haue any iuriſdiction, power, ſuperioritie, preheminence, or authoritie eccleſiaſticall or ſpirituall, within this realme; And therefore I doe vtterly renounce and forſake all forreine iuriſdictions, powers, ſuperiorities, and authorities, and do promiſe that from henceforth I ſhall beare faith and true allegiance to the Kings Highneſſe, his heires and lawfull ſucceſſors, and to my power ſhall aſſiſt and defend all iuriſdictions, priuiledges, preheminences, & authorities, granted or belonging to the kings highnes, his heires and ſucceſſors,

ceſſors, or vnited, and annexed to the imperial Crowne of this realm. So helpe me God, and by the contents of this booke.

His Oath by Statute for the due execution of his Office.

YOu ſhall ſweare, that well and truely ye ſhal ſerue the kings maieſty in the office of the Sherife of the county of Southhampton, and do the Kings profit in all things that belongeth to you to do by way of your Office, as far forth as you can or may: you ſhall truely keep the kings rights, & all that belongeth to the crown: you ſhall not aſſent to decreaſe, or leſſing, nay, to concealmēt of the kings rights, or of his Franchiſes, And whenſoeuer you ſhal haue knowledge that the kings rights, or the rights of his crowne been concealed, or withdrawn, to be in lands, rents, franchiſes, or ſuits, or any other things, ye ſhal do your true power to make them to be reſtored to the King againe: And if you may not do it, ye ſhall certifie the King or ſome of his Councell therof, ſuch as you hold for certaine will ſay it to the King: ye ſhall not reſpite the Kings debts for any gift, or fauour, where you may raiſe them without great grieuance to the debtors: yee ſhall truely and rightfully treat the people of your Sherifwick, and do right aſwel to poore as to rich, in al that belongeth to your Office:

yee

ye ſhall do no wrong to any man for any gift, or other beheſt or promiſe of goods for fauour nor hate: ye ſhal diſturb no mans right: ye ſhal truely acquite at the Exchequer all thoſe of whom ye ſhall any thing receiue of the kings debts: ye ſhall nothing take whereby the king may loſe, or wherby the right may be letted or diſturbed, and the King delayed: yee ſhall truely returne and truely ſerue all the Kings Writs, as far forth as ſhal be to your cunning: ye ſhall not haue to bee your Vnderſherife anie of the Sherifes of the laſt yeere paſt: yee ſhall take no bailife into your ſeruice, but ſuch as you will anſwere for: you ſhall make each of your bailifs to take ſuch oath as you make your ſelfe in that belongeth to their occupation: you ſhall receiue no Writ by you nor anie of yours vnſealed, or anie ſealed vnder the ſeal of anie Iuſtice, ſauing the Iuſtice in Eire, or Iuſtice aſſigned in the ſame ſhiere where yee be ſherife, or other Iuſtices hauing power & authoritie to make anie writs vnto you by ỹ law of the land, or of the Iuſtices of Newgate: you ſhal make your bailifs of true & ſufficient men in the countrie, Alſo ye ſhall do all your power & diligence to deſtroie & make to ceaſe al maner of hereſies & errors, cõmonly called Lollaries, within your bailiwick frõ time to time to all your power, and aſſiſt and bee helping to all the Ordinaries, and Commiſſaries of the whole Church, and fauour and maintain them

as often as you ſhall be required by the Ordinaries Commiſſaries: ye ſhall be dwelling in your owne proper perſon within your Bayliwicke for the time ye ſhalbe in the ſame office except ye be otherwiſe licenced by the King: ye ſhall not let your Sherifwicke, nor any bailiwicke thereof to any man: ye ſhall truely ſet and returne reaſon and due iſſues of them that be within your bailiwick after their eſtate & behauior, and make your pannels your ſelf of ſuch perſons as be moſt next, moſt ſufficient, and not ſuſpect, nor procured, as it is prouided by the ſtatutes. And ouer this, in eſchewing & reſtraint of manſlaughters, robberies, & other manifold grieuous offences that be done daily, namely by ſuch as name themſelues Souldiers, and by other vagrants the which increaſe in number, and multiply ſo, that the Kings ſubiects may not ſurely ride nor go to do ſuch things as they haue to do, to their intollerable hurt and hinderance: Ye ſhall truely and effectually with al diligẽce poſſible to your power, execute the ſtatutes, as the ſtatutes of Wincheſter, and vagabonds. All theſe things yee ſhall truely obſerue and keepe, as God you helpe, and by the contents of this booke.

Of

Of the authority of a Sherife, and how and in what manner he ought to execute his *Office in all things that* are in vſe.

The Second Booke.

FIrſt of all, when hée is appointed to bée ſherife, hee is then Cuſtos Comitat', and his power and authority is very great, as hereafter I will ſet forth and declare at large: and at the entrance into his office, the firſt thing that he muſt doe, is to goe into the Exchequer, into the Kings Remembrancers office there, and to enter into Recogniſance there with ſureties, or ſome for him, for the payment of his proffers, at or before menſe Paſchæ, and menſe Michael' then nert following. That done, his Attorney there, will write him a note, thereby ſignifying that he is Sherife of ſuch a county, and that he hath entred Recogniſance for his proffers, the which note, the Sherife muſt deliuer to one of the fire Clerks

in

in the Chancery, for his warrant to make the Sherifes Patent by, with his writ of assistance, and a writ of discharge to bee delivered to his predecessor, to discharge him out of his office, the which would bee delivered with all speed, for his owne benefit or his Undersherifes: for untill it be delivered to his predecessor, the precedent Undersherife may doe execution of proces. And this being done, then if he be so wel provided, he may take his Undersherife with him, and go either to a Maister of the Chancery, or to one of the Judges of ỹ assises of that shire, whereof he is sherife, and take their oathes for the due execution of ỹ said office, or els he must have a Dedim' potestat̃ out of the Chancery, from the Clerk which made his Patent, directed to two Justices of Peace of the same county, whereof one must be of the Quorum, to give him his oath in the country; but his Undersherife may bee sworne by two Justices of Peace, whereof one must be of the Quorum, without Commission: and untill they bee thus sworne, they may not entermeddle with the execution of any proces by the Law.

A Sherife at or before his first Countie Court, must take over from the old Sherife his predecessor, all his prisoners, and writs, precisely by viewe and by Indenture to bee made betweene them, wherein all the causes which he hath against every prisoner (at the

perill

perill of the old ſherife) muſt be ſet forth and declared, or elſe the new ſherife nēds not to take any notice of any thing that is omitted, and left out of the Indenture: for he is not chargeable with it, but the old ſherife, as it appeareth of late in a caſe adiudged in my L^d Cokes 3. booke of Reports, Wesbies caſe, f. 72. againſt the Sherife of London: for although they ſet him euer by Indenture, yet they ſet not ouer al the cauſes which they had againſt him, but omitted an execution which after was recouered againſt the old ſherifes by the plaintife, and Wesby was at liberty, and the ſherifes were ſans remedy.

All the Writs which are ſet ouer in the indenture betwēne the Sherifes, if they haue bēne executed by the old Sherife, then they muſt be returned by him, & indorced vnder by the new Sherife thus, I ſend hēre prout indorſatur mihi deliberat̄ fuit p̄ R. W. milit̄ nup vic' p̄x. p̄deceſſ. meum in exit̄ ab officio ſuo.

H. C. Milit̄ vic'.

And a ſherife at the firſt county court which ſhall happen to be after his election, & diſcharge of the old ſherife, muſt read his patent and his writ of Aſſiſtance, & nominat his vnderſherife, the county clerke, & 4. deputies of Repleuins at the leaſt for the eaſe of the Country, who ought to dwell 12. miles one from another: in euery quarter of the county one, to grant Repleuins when nēd ſhall require.

Primus

South. Primus Com̃ F.P. mil' vic' Com̃ p̃d̃ and ſo next ſecond Com̃ the next county court tenẽ apud Caſtr̃ Wintoñ tali die & anno ſetting the kings ſtile at large.

Then the bailife muſt make an O-yes, and ſay thus, eſſoins and proffers (before the court thrée times) pur ceſt iour. And then ſay, if any man will bée eſſoined or enter any plaints, let them come in and they ſhalbe heard.

Eſſoins A.B. Eſſoiñ eſt quia egrotat̃ vel ſimilia.

A.B. queriť verſus C.D. de placiť debiť & iniuſte detenť auerioꝝ ſuoꝝ or de placiť debiť detenť tranſgreſſ. vel ſimilia, as the caſe is.

This court ought to be kept euery moneth vpon a day certaine of neceſſity by reaſon of the kings writs of Exigents which muſt bée read there.

And the actions muſt be called there as they are in a hundred court or court Baron, and it will not hold plea where the debt or damage is xl.s. vnleſſe it be by writ of Iuſticies out of the chancery, which is a commiſſion to the ſherife to hold plea of any ſumme whatſoeuer, and yet it is but in the nature of a diſtringas, to diſtraine a man by his goods to anſwere there to the plaintifes action, for his body cannot bée touched with it by law, nor his lands.

And the like entries, plaints, anſwers, bars and iſſues are to be put in there as are vſed in a hundred Court, or Court Baron, for this Court is but a Court Baron. And although it

it be the Sherifes court, yet the Frœholders of the county are the Iudges therein all actions, And the Kings Coroners of the County are onely Iudges to giue Iudgement vpon the kings writs of Exigents, and none else, and if they be frœholders as they ought by the law to be, they are also Iudges of their actions, if they bee not, they may bee remoued from their places for lacke of frœhold, it is a sufficient exception in law to be taken against them, in that case.

And the like proces or precepts as are made out of a hundred court mutatis mutandis, are to be made out of this court, viz. summons attachment, and distresse infinite.

Election of Knights for the Parliament, and of Coroners and Verderers, are alwayes made by the Kings Writ in open Countie Court, and the day & time when, & by whom, viz. by ỳ frœholders of the coũty, & the knights are to be chosen betweene 8. & 9. of the clock in the forenoone, sedente cur̃, And the names of such frœholders as are at the election of Coroners and Verderers, ought to be set down in the county court booke, for to testifie such election, & the sherif is to minister vnto the Coroners & the Verderers, their seuerall oathes for the due execution of their offices.

A Replevin.

Fr. P. miles vic' Com̃ p̃d̃ balliuo Hundr̃ de South.

H.

H. necnõ Io. S. balliuo meo hac vice & eorum vtriq; coniunt & diuiſim ſalutem. Quia W. P. inuenit mihi ſufficient ſecuritat tam de Claim ſuo proſequendo, quam de auerijs ſuis, videlicet, vna ſpadone, tribus equis, &c. quæ I. C. cepit & iniuſte detiñ vt dicitur, retor, ſi retor inde ad iudicatur. id ex parte Dom Regis vobis & vtriq; veſtrum coniunct & diuiſim mãdo quod repleg' & deliber fac' ſeu vnius vr̃m repleg. & deliber fac' p. W. P. auer ſua præd, Et qd ponat ſeu, &c. per vad & ſaluos pleg. præfat I. C. Ita quod ſit ad prox' Com meum apud Caſtr Wintoñ, tenend, ad reſpondend præfat W. P. de placit Capt & iniuſte detet auer ſuor præd, Et qualit, &c. mihi ad prox. com meum certificet, ſeu, &c. ſub periculo incũbẽt dat ſub ſigill' officij mei vltim die Decembris anno reg. dom noſtr ſac' dei grac' Angl' Scociæ Franc' & Hiberñ Regis fidei defenſor &c viz. Angl' Franc' & Hiberñ xiiij. & Scotiæ quinquageſimo.

Per me Ric. W. milit' vic'.

And if this Repleuin be granted by a deputy to the Sherife, then he muſt ſet his name to the Repleuin thus.

Per me I. W. vnum deput dict vic' ſecund form Stat.

And

And if the firſt Repleuin bée not executed, then the ſherif or his deputy may grant an alias Repleuin, & ſo a plur̃ Repleuin, vel cauſam mihi ſignifices, and after toti' quotius if nede be. And vpon all theſe Repleuins, there muſt be a bond of x.li. at the leaſt taken of him to whom the Repleuin is granted for his appearance at the next court after, & proſecution of his ſuit with effect againſt the taker of the cattell, and to make returne thereof, if returne be adiudged, the forme of which band and condition thereof muſt be thus.

Obligation.

Nouerint̃ vniuerſi per præſent̃ me Will' P. de C. in com̃ Southt. gener̃ teneri & firmit̃ oblig. F.P. mil' vic' com̃ pd̃ in decẽ libr̃ bonæ & legal' monet̃ Angl' ſoluend̃ eidẽ vic' aut ſuo cert̃ Attorñ execut̃ vel aſſigñ ſuis, Ad quam quidẽ ſolut̃ bene & fidelit̃ faciend̃ oblig' me hær̃ exec' & adminiſt' meus firmit̃ per preſẽt̃, Sigillo meo ſigillat̃ dat̃, &c. As all other bands are.

Conditions.

The condition of this preſent obligation is ſuch, that if the abeue bounden W. P. doe appeare at the next County Court to bée holden at the Caſtle of Wincheſter, and then and there doe proſecute his action with effect againſt I.C. for the wrongfull taking and detaining of his cattell, videlicet, of one gelding and thrée horſes as it is alledged. And do alſo make returne thereof if returne thereof ſhall bée adiudged by Law, and alſo doe ſaue

and

and kæpe harmeleſſe, and indempnified, the abouenamed ſherife, his vndерſherife, and bailifes for touching and concerning the deliuery of the ſaid cattell, that then this preſent obligation to be void and of none effect, or els the ſame to ſtand, remaine, and continue in force, ſtrength and vertue.

And if in this caſe the taker of the cattell iuſtify the taking as in his freehold, then this court can proceed no further therein, but the cauſe muſt bee remoued from thence by the kings writ out of the chancery called a Recordare fac' loquelam, directed to the ſherif returnable the next terme following, either in the kings bench, or in the kings Maieſties court of Common Pleas, which the party will, for they are both common law, but they are more properly belonging to the court of common pleas, and this writ ought to bee openly read and allowed in the ſaid court, to the end that notice may be giuen thereof to the plaintife in the Repleuin, that he may appeare at the day of the returne thereof, and declare againſt the taker of his cattell, or elſe the taker will haue A retorn hēd auer, and ſo put him to ſue forth the ſecond deliuerance, which is a diſaduantage to the plaintife, for he ſhall then haue no more ſecond deliuerance, otherwiſe hee might haue another, and let the Attorney for the plaintife ſee well to the ſealing of the writ of ſecond deliuerance with Retorn hēd auerior

or

or else it will fall out to be manifeſt error, and ouerthrow the cauſe, be it neuer ſo iuſt, when it is an error, becauſe the writ of R. D. is an originall writ, but the def. therein ſhall haue no coſt, it was the caſe of Nic. M. gent againſt Tho. Newman in a Replevin for an annuitie adiudged in the Kings Bench, Term Trin ann. xv. I. R.

Now next the high Sherife will looke for his ſecurity from his vndерſherife before hee will truſt him with his office becauſe hee will ſleepe quietly, and take his repoſe in ſafty: and for that commonly hee hath bonds and couenants of the vnderſherife & his friends. That men make not void all theſe bonds and couenants taken of their vnderſherifs, Let them looke to the ſtat. 5. E. 6. c. 16. And that gentlemens Clerks may ſufficiently know how to execute the office of an vnderſherife, I haue taken occaſion to ſet forth this booke of directions ſufficiently to teach & inſtruct any Clerke that is willing to vndergoe the burden of this office for his maſter rather then a gentleman of worth ſhal for a little mony hazard his oath or his credit in his country, for by this meanes he had better (in diſcharge of his duty both to God and his Prince in the execution of his office) keepe his office in his houſe, ſo that hee may take a continuall ſurvey of it himſelfe, then truſt a ſtranger vpon bandes and couenants with the whole execution of his office.

which by the ſtatute of 23. Hen. 6. ca. 10. are thought by many opinions to be voyd or voydable, for the words of the Statute are theſe, That no Sherife, nor none of his officers or miniſters ſhall take or make any Obligation for any cauſe mentioned in the ſaid ſtatute, or colour of their office, but onely to themſelues, of any perſon, nor by any perſon which ſhal be in their ward, by courſe of the Law, but in the name of their office, and vpon condition written, That the ſaid priſoners ſhall appeare at the day contained in their writs, bill, or Warrant, and in ſuch places as the ſaid writs, bils, or warrants ſhall require. And if any Sherife, or any of his officers take any Obligation in any other forme, by colour of their office, that it ſhall be voyd: And in this courſe there can be no loſſe to the Sherife, if his vndерſherife be careful to follow the directions here laid before him, for he ſhal both herby get good knowledge and experience, and ſome profit, and his maſter may giue him good allowance, and yet ſaue ſufficient out of the honeſt gaines of the office, to paſſe his accounts, and to defray part of his other charge, & haue his countrimen wel dealt withall, and gently intreated according to his oath, whereas now, as the office is vſed otherwiſe by vnderſherifs which buy their offices, they pay for it, or elſe the vnderſherife muſt go away a begger.

The

The forme of an Indenture for ſetting ouer of priſoners and writs betweene two Sherifes.

THis Indenture made, &c. betweene I.B. Eſquire, late Sherife of the Countey of South, of the one party, and ſir H. W. knight, now Sherife of the ſaid Countie, on the other party, witneſſeth, that the ſaid I.B. by vertue of his Maieſties writ of diſcharge of his late office to him directed, hath deliuered and ſet ouer vnto the ſaid ſir H. W. theſe writs following, viz. A Capias verſus W. F. retorn Oct' Hill' ad ſect' And' Limboni, &c.

Together with the bodies of I.S. in execution at the ſuit of G.H. for a debt of 22 l. and I.H. at the ſuit of C.D. in execution for 5. li. &c. In witneſſe whereof, &c.

The forme of an Indenture betweene the highſherife and his vnderſherife.

THis Indenture made, &c. betweene I.H. of D. in the Countie of S. Eſquire, on the one party, and H.R. of G. in the ſaid Countie, Gent. of ỹ other party, witneſſeth, that whereas the ſaid I.H. being by the K. moſt excellent Maieſtie appointed to be high Sherife of the ſaid County of S. for this yeare to come, hath vpon ſpeciall affiance, confidence, & truſt, that

hee hath and beareth in and towards the said H. R. promised and granted to the sayd H. R. the vse of the exercising of the office of his Undersherife of the said C. together with all fees, fines, forfeitures of bonds, profits, commodities, aduantages, casualties, allowances, Liberties, franchises, courts, formes, Leetes, perquisites of courts, and other emoluments certaine and vncertaine whatsoeuer, to the office of sherifwike or vndersherifewike belonging, or in any wise appertaining, that any sherife or vndersherife of the said C. hath heretofore iustly and lawfully claimed or had, to haue and enioy during, & by all such time as he the sayd I. H. shalbe, remain, and continue high sherife of the said C. of this appointment or election not discharged. In consideration whereof, the said H. R. couenanteth, graunteth, and agreeth, and faithfully promiseth for him, his heirs, executors, and administrators, that hee the sayd H. R. his heires, executors, or administrators, shall and will discharge, or otherwise sufficiently saue and keepe harmeles aswell the sayd I. H. his Heires, Executors, or Administrators, as also his & their, and euerie of their goods, cattells, Lands, tenements, and hereditaments, of & from all and all maner of troubles, verations, suits, Actions, Informations, cõplaints, contempts, fines, forfeitures, amerciaments, penalties, paines, sum and sums of mony paiable or leuiable to or for the K. Ma.

or

or any other person or persons whatsoeuer, for any matter or thing to be done in or about the said office, & of and from all losses, hindrances, & damages, that shall or may bee lawfully moued, stirred, procured, commenced, prohibited, prosecuted, happen or fall, or lawfully asked, demanded, or issued vpon the said I. Y. his heires, executors, or Administrators, or of or vpon his or their, or any of their goods, catels, lands, tenements, or hereditaments, for or by reason of the said office of sherife, either by non suing, or vnlawfull returning, slow returning or misreturning of any Precepts, writs, warrants, or proces to the high sherife directed, or to bee directed, or for, by cause, or means of any excessiue or vnlawfull extortion or exaction, or taking of any money, or other gain or commodity, for the seruing or not serming of any such writs, Warrants, Precepts, or Pretes, or for or by reason of any misdemenor, misusing, or misgouernement, negligence, lacke of skill, or of ignorance that shall bee in the said Y. K. in or about the doing, exercising, or executing of the said office of vndersherife, & the said Y. K for himselfe, his heires, Executors, & administrators, by these presents doth couenant & grant to & with the said I. Y. his heires, executors, and administrators, in like maner to discharge, or otherwise to saue harmelesse and indempnified, aswel the said I. Y. his heirs, executors, and administ. as also all their

goods and cattels, lands, tenements, & hereditaments of and from al maner of escapes, both wilfull and negligent of traitors, felons, and all other prisoners committed, or to be cõmitted to his or their safe keeping or charge, in breach of prisons, and of and from all fines, forfeitures, amerciaments, sums of mony, and penalties that he or they or any of them shall or may incur, beare, pay, or sustaine for any escape or breach of prison during all the time of his continuance in the said office of high Sherife of this appointment, and moreouer the said Y. R. shal giue attendance conuenient, & requisit vpon the K. courts at West. vpon the Iudges of Al. and Iu. of the P. and other commissioners and officers within the said Co. vpon whom the said I. Y. or the said Y. R. in respect of the said office of Sherifewicke ought by the lawes of this realme to attend, And furthermore shall within one yeare next after the discharge of the said I. Y. from his said office, iustly & truly make a perfect account in the K. Exchcq. or elswhere of all the sums of money, receits and other things wherewith the said I. Y. shall or may be charged as Sherife of the said Co. of S. and shal within the said time deliuer vnto the said I. Y. his heirs, &c. a sufficient acquittance or quiet' est. And it is further agreed vpon by the said parties to these presents, that euery one of the bailifs of Hu. & all other the officers vnder the Sherife, shall enter into

into ſufficient band by obligation, that they and euery of them ſhall truely, and diligently, deale in, exercise, and execute their offices during the time aforeſaid, and if any one ſhall refuſe to enter band or miſdemeanor himſelfe, that then it ſhall be lawfull to and for the ſaid Y. Z. in his diſcretion to place another meete for that office in the roome of ſuch perſon that ſhall refuſe or miſdemeanor himſelfe as is aforeſaid, In witneſſe whereof &c.

The bonds are commonly taken of the vnderſherife and his ſureties for the performance of theſe couenants, and they are ordinary as all other bands are for performance of couenants, and therefore here needes no preſident for them.

A condition for a Gaoler to enter into the ſherife, for the ſafe keeping of his priſoners.

The Condition &c. That whereas the aboue-named S. Y. W. hath at the ſpeciall inſtance and requeſt of the aboue bounden W. V. conſtituted and appointed the ſaid W. V. to bee his keeper of all ſuch priſoners as ſhalbe arreſted or attached by any manner of writ, warrant, or precept, made or to be made, by or in the name of the ſaid S. Y. W. or by or in the name of I. W. his vnderſherife, If therefore the ſaid W. V. his deputy or deputies, alli-

non or assignees, or any of them shall and doe well and safely keep all such prisoners as shall be committed to him or them, or any of them, and therein shall save and keepe harmles, and indempnified, the said sherife, his heires, executors and administrators, at all & euery time and times hereafter, of and from all and all manner of escapes of all manner of prisoners that shall bee committed to the custody or safe keeping of the said W. W. or left under the custody or charge of any of his deputies, or assignes; and of and from all and all maner of iudgements, executions, fines, charges, troubles, encumbrances whatsoeuer, which shall or may hereafter growe or happen to bee laied, imposed, estreted, or leuied vpon, of or against the said sherife, as sherife of the C. aforesaid, for or by reason of any such escape, or escapes, as aforesaid. And also if the said W. W. his deputie or assignee, shall not discharge or set at liberty, out of his or their custody, and safe keeping, any prisoner or prisoners which now are, or that hereafter shall or may bee by the said sherife, or by his vndersherife or deputy, or by any of their bailifes taken, committed, deliuered, or left in the custody of the said W. W. his deputy or seruant, without the speciall warrant in writing vnder the hand and seale of the officer of the said sherife in that behalfe first had and obtained. That then &c.

A

A condition for a Bailife to enter into, to the Sherife.

The Condition, &c. That whereas the a-bone named S. B. T. at the speciall instance, earnest entreaty of the above bounden I. P. hath authorized and appointed the said I. P. to be one of his bailifes within the Co. of S. aboue said, & in more particular hath committed to his charge the Bailiwicks of the Hu. of W. & Bailiwicke the said I. P. & all such persons as for & about the executing of such things as shall be given him in charge to do, & execute as Bailife of the Hu. aforesaid & execute his said office according to the effect and intents of such warrants, and precepts as shall be directed vnto him, and come to his hands, from the aboue named sherife, or from his vndersherife to be executed, and shall and do vpon the delyuery of euery warrant vpon meane process from the said sherife, take sufficient band with two sureties for the appearance of the defendant according to the Stat. in that case made and prouided, & shall safely keepe & deliuer euery such band, vncancelled vnto the said sherife, or his vndersherife, before such time as the proces whereupon the said warrant is made is returnable, and also shall at all times, and from time to time, during the continuance of the said Sherife in Office of Sherife of the

said

ſaid countie, be ready and attendant both vpon the ſaid ſherife, and vpon his vndерſherife aſwell at euery Aſſiſe & ſeſſions, as alſo at euery C. court to be holden &c. then and there to execute his ſaid office as appertaineth, And alſo ſhall well and truely pay, or cauſe to bee payed, to the ſaid ſherife or his vnderſherife, at the feaſts of Eaſter, and S. Mich. the Archangel now next comming after the date aboue written, all and euery ſuch ſumme and ſumms of money as hath bin accuſtomed yearely to be payed to the ſherife of the ſaid Countie for the K. Maieſt. out of the ſaid hundreds, vpon the account of euery hatliffe of the ſaid hundreds, commonly called ſherifes turne money: And do in the manner before the ſaid feaſt of S. Mich. collect and gather of the inhabitants within the ſaid hundreds, all ſummes of money due to his Maieſt. vpon the ſummons and ſcedule of the generall war, a ſufficient warrant being in conuenient time deliuered vnto him to that end and purpoſe, and doe accordingly pay the ſame to the ſaid ſherife, or to his vnderſherife, within one moneth next after hee hath gathered and collected the ſame, without coſin or further delay. That then, &c.

A Sherife is to make Warrants vpon meane proces, or execute them himſelfe, which is not poſſible for him to doe execution of all: and they muſt be made according to the ſeuerall natures of his writs, which for the ſub-

ſtance

stance will direct him, but not for the forme thereof, and that doth differ in many counties, but all to one effect, as in the county of Southampton, thus:

A generall Warrant.

Sr. F. P. Miles Vicecom' com' predict' balliuo hundredi de Houlshot salut' ex parte dom'i Regis tibi mando quod capias A. B. &c. Et eum saluo &c. Ita quod habeam corpus eius coram Iustic' dom' Regis apud Westmon' in oct' sanct' Hillarij ad respondend' C. D. de placito debit. by Trespasse, according to the Writ. Et hoc &c. Dat' sub sigillo officij mei xx. die Decembris, Anno regni dom' reg. nunc Angl' &c. xiij.

Per F. P. Mil' Vic'.

A speciall Warrant.

Sr. F. P. Miles Vic' com' præd' balliuo hundred' de Hinechon I. W. & T. B. ballliuis meis hac vic' & eorum cuiuslibet salut' ex parte dom'i Regis vobis & cuiuslibet vrm coniunct' & diuisim mando quod capiatis seu &c. A. B. &c. Et eum saluo &c. Ita q' habeam corp' ei' cor' dño rege apud West. die Iouis px' post oct' s. Hill' ad respond' C. D. de placit' tranſ. &c. Dat' &c. vt supra.

xx. die Decembris, ann' dom' 1617.

By

By vertue of the Kings Maiesties Writ it to me directed, Ret̃ coram domino Rege apud Westm̃ die Iouis prox' post quindenã Sancti Hillarij, or if it be out of the Court of common pleas, then Ret̃ coram Iusticiar̃ domiñ Regis apud Westm̃ in oct̃ Sanct̃ Hillarij, you shall arrest A. B. if he may be found within my bailiwick, to answer to C. D. in a plea of trespas, or in a plea of debt, according to the writ. Dat̃ sub sigillo officij mei die & anno supradict̃, &c.

Per I. P. Mil. Vic'.

To I. P. and R. S. my speciall bailifes in this behalfe, iointly and seuerally greeting.

And in Yorke they vse to make their Warrants thus, vpon their meane proces.

Sr. Georgius S. Miles, & Baronett Vicec' Com' Eborum balliuis meis, vel alijs balliuis infra com' p̃d' tam infra libert' quã extra nec non I. B. & C. D. balliuis meis hac vic' tam' miner' salut', ex parte dom' regis vobis & cuilibet vestrum coniunct' & diuisim mando q̃ capiat seu, &c. A. B. si, &c. Et eũ salup, &c. Ita q̃ habeam̃ corpus eius cor̃ dño rege, If the Writ come out of the kings bench, apud West. die Iouis p̃x. post quindeñ sanct̃ Hill', but if the Writ come out of the court of common pleas, then it is coram Iustic' dom' reg. apud West. in oct̃ sanct̃ Hillar̃

Hillar ad respond C.D. dep'to tranſg. & debt according to the writ. Dat' sub ſigillo officij mei tal' die & anñ vt ſupra.

And this ſæmes to be the beſt forme of warrants to haue them ſerued: and there they vſe to make warrants vpon all their Executions in this forme, ſauing only there is added theſe words before the reſte of the Warrant, quiſo ſemp q̄ hoc p̄ſens warrant exequend eſt ad piculum quærentis tant, and therupon the pl. will not only pay down the fee for the execution, as much as the Stat. allowes, but alſo giue bond without condition, for the ſauing of the Sherife harmeleſſe of the eſcape, if any ſhould happen to be, only they will ſet downe vnder the bond, ꝑ cauſe whereſore the bond is taken, & the bond is taken to a ſtrãger, and yet neuer queſtioned, w̄ makes execution to be the better done, or elſe the country is ſo ſpatious, the Sherife would not bee able to doe a quarter of his worke. And I ſee no reaſon but it may bee vſed in any other country as wel as there, and it will make the ſherifes worke much the eaſier to bee done, and all things conſidered the more for his profit.

Alſo they vſe there to make Warrants vpon Capias vtlagat in the like forme, and to take bond, with condition, to bring the def. to priſon, if he be arreſted, w̄ makes good execution of thoſe Proces: and it were good this were

vſed

vsed in all countries, then there would not bee so much extortion and indirect dealing vsed by Undersheriffes and Bayliffes, to the Kings subiects, as there is, for if they take any man vpon a Capias vtlagatum, they will not onely take money of the plaintife for to take the Defendant, but when they haue taken him, for money they will let him goe againe, and they will alledge for a colour, it is to reuerse the outlarie, which they haue nothing to do withall. He ought to be brought to prison, & there remaine vntill one Attorney or other haue reuersed the outlawrie for him, and not the Sherife: for although he be an Attorny, he ought not when he is sherife to practise as an Attorney: but yet notwithstanding they do forestal the market, against the law and the highsherifes oath, and it is pitty that it is suffred to go vnpunished.

The forme of a band for apparance.

NOuerint vniuersi per præsent nos A.B. de C. in com̃ Southt. gener̃, E.F. de G. in com̃ præd̃ yeom. & H.T. ce R. in comit̃ præd̃ yeom̃, teneri & firmit̃ oblig' F.P. mil̃ vic' p̃d̃ in quadragint̃ libr̃ bonæ & legal̃ monet̃ Angl̃ soluend̃ eidã vic' aut suo cert̃ Attorñ execut̃ vel assigñ suis, Ad quam quidẽ solut̃ bene & fidelit̃ faciend̃ oblig'mus & quẽlibet nostr̃ p se, p tot̃ & in solid̃ hær, exec', & administr̃, nost.

noſt. & vtriuſq; nr̃m firmiſ̃ p præſent̃, Sigillis nr̃is ſigillat̃, dat̃ 20, die Decẽb. ann̄ regni dom̃ noſtr̃ Iacob. Dei gratia Angl̃, Scoc', Franc', & Hibern̄, reg. fidei defenſ. &c. viz. Angl̃, Franc' & Hibern̄ 14, & Scoc' quinquageſim̃ annoq; dom̃ 1616.

The Condition of this preſent Obligation is ſuch, that if the aboue bounden A. B. do appeare coram domin̄ Rege apud Weſtmoñ die Iouis' px. poſt quinden̄ Sanct̃ Hil̃, if the writ be out of the Kings bench, according to the retorne of the writ: but if the writ bee returned in the court of common pleas, then the words in the condition muſt be for the def. to appeare coram Iuſtic' domin̄ Regis apud Weſt. in oct̃ ſanct̃ Hil̃, or ſuch other retorne, according to the writ, to anſwer to C. D. in a plea of treſpas or debt, as it is in the writ, that then this preſent obligation to be voyd, and of none effect, or els the ſame to ſtand, remaine, and continue in force, ſtrength, and vertue.

Sealed and deliuered to the vſe of the aboue named Sherife, in the preſence of A. R. & T. S. Two witneſſes at the leaſt.

A Sherife before he returne any Writ into the Chancery, the K. Bench, the court of common pleas, and the Exchequer, ought to haue an Attorney or Deputie in euery one of thoſe Courts

courts of record, to answere for him by warrant of Attorney. And if any sherife do contrary to this ordinance in any point, he forfeits xl.li. every time, & treble dammages to the party grieued: one moity thereof to the king, and the other moity to him that will sue, by a stat. law made anñ. 23. H. 6. ca. 10.

You shall find in this booke good returns for all maner of writs now in vse, here set downe to your view, whensoever you shall have occasion to vse them, & also apt returnes of all your Exchequ. proces, with apt and due formes of all sorts of Inquisitions to be returned there, or elsewhere, with your proces. And as for the court of Wards & Liueries, from thence you haue but 3. sorts of proces to be answered vnto, viz. Extents, Attach. & Liueries vpon old extents not discharged, which must be paid half yearely, with 4. s. for the fee of euery sum till the debt be payed: and this last will trouble you most, and the other are easier to be returned, then executed.

Sheriffes and vndersherifes ought to receiue all manner of writs in any place within the County, without taking of any thing, and make thereof warrant: and if hee refuse to do it, if he make not a return of those writs, he shall be punished, and render dammages to the party grieued by the Statute of 2. Ed. 3. cap. 5.

Also a Sherife may arrest men which goe

or

or ride armed, & commit them to prison, there to remaine at the Kings pleasure by the same statute. Also sherifes and gaolers must receiue theeues indited or take with the maner, without taking any thing for their receit, by the statute of 4.E.3.ca.16.

Sherifes must returne sufficient and reasonable issues vpon such persons as haue Lands and goods sufficient: according to the statute of West.2.ca.39.& 1.E.3.ca.5.

Sheriffs ex officio may arrest within their countie suspected persons which walk by night or day, and which are of euill name & fame, by the statute of 5.E.5.ca.14.

A sheriffe ought to haue but one Bailife errant within his countie, by the statute of 14.E.3.cap.8.

Sherifes ought to keepe their Torns twice euerie yere, viz. one within a moneth after Easter, & the other within a month after the feast of S. Michael the Archangel, by the stat. of 31.E.3.ca.14.

Sheriffs must leauie their issues and amerciaments by their extracts vnder the seale of ỹ Exchequer, otherwise they shall render to the partie dampnified, treble dammages, and also make fine to the K. for their offence, which is determinable before the Iustices at their sessions by the stat. of 43.E.3.ca.9.

Sherifs ought to returne their pannells for the sessions 4 dayes before the sessions, at the

leaſt vpon paine of 20.li. and the Bailifs of liberties ought to make returne of their Warrants ſir daies before the Seſſions at the leaſt, vpon the like paine by the Statute of 41.E.3. cap.11.

Sherifes ought foure times in the yeare to proclaime the ſtatute of Wincheſter in euerie hundred of his Bailiwicke, for it is parcell of their oath, yet they neuer doe it.

Sherifs ought to take the ſwords, daggers, and weapons from ſeruants labourers, & from ſeruants of artificers, and victuallers, if they find them bearing of any, except it bee in time of warre, or when they trauell abroad into the countrie with their maſters, or goe in their meſſages, and they may keepe ſuch weapons vntill the next ſeſſions, and there preſent them with the names of thoſe that bore them, by the ſtat. of 12.R.2.ca.9.

Sheriffs may ex officio apprehend labourers, ſeruants begging and wandring abroad, and commit them to priſon without baile or mainprize, but they can take no fees of ſuch perſons, neither vpon receit or deliuerie of them, vpon paine of a C.s. to the King, by the ſtatute of 12.R.2.ca.9.

Sherifes and other of the Kings Officers, when they haue notice of vnlawfull Aſſemblies and Ryotts, ought to raiſe the Country, and with all their power to apprehend ſuch malefactors, and commit them to priſon, there

to

to remaine vntill due execution of the Law be done vpon them, and all Lords of seignories, and all other the Kings liege people ought to be attendant to the sherife and other officers, with all their power and force herein, by the stat. of 17. R. 2. ca. 8.

A Sheriffe ought to dwell within the countie in his person during the time of his sherifewicke, and hee ought not to let his Office to farme, both by his oath and by the statute of 4. H. 4. ca. 5.

A Sherif ought to foresee and prouide, That neither his vndersherif, nor any of his clerkes, bailifes, or receiuers, be an Attorney in any of the Kings Courts, during the time of his sherinaltie, both by his oath, and also by the stat. of 1. H. 5. ca. 4.

Euerie Sherife ought to proclaime the statute of Purueyors foure times in his yere, vpon paine of a hundred shillings for euerie time failing therein, and hee ought also to deliuer that to his successor to proclaime vpon the like pain, by the stat. of 1. H. 6. ca. 2. but this is neuer done.

Sheriffes ought to make due election of knights for the parliament by the freeholders of the Countie, and in open county court, betweene 8. and 11 of the clocke in the forenoone of the same day, by the stat. of 6. H. 6. c. 6. vpon pain of a C. li. and a yeres imprisonment without baile or mainprise.

Sherifes ought to returne vpon euery precept directed vnto them from iustices of P. to inquire of forcible entries, vpon euery iury twentie shillings issues at the first day, & Iustices of Peace haue power and authoritie to heare and determine those defaults by Bill or indictment, and Sherifes shall forfeit for euery default twentie pounds, whereof he that will sue shall haue the moitie by the stat. of 8. H. 6. cap. 9.

And Sherifes ought to returne in Writs of Attaints, in plea of Land of the yeerely value of fortie shillings, or in actions for Deeds concerning lands to such value, & in actions of fortie pounds or more, such persons inhabiting within his bailiwicke, which can dispend xx. li. per annum, besides all charges, for terme of life at the least, and out of antient demesne, Gauelkind, and Cinque ports, and vpon the first distresse xl. s. and vpon the second C. s. and after double issues vpon the Iurors, vpon paine of x. li. to the King, and x. li. to the partie grieued, and if there bee not sufficient persons inhabiting within the County, which can expend xx. li. per ann̄, then they shall impanell other persons of the most sufficient in Possession of yearely value of lands, vnder the value of xx. li. p ann̄, vpon paine of x. li. to the K. and x. li. to the plaintife, by the statute of 15. H. 6. cap. 5.

A Sherife may not occuple his office aboue a yeare,

a yeare, and if hée do he shall forfeit two hundred pound, and be disabled euer to be sherife of any county after, by the statute of 23. H. 6. cap. 8.

No Sherife ought to let to farme his County, nor any of his Bayliwickes, Hundreds, or Wapentakes, for it is both against his oath, and contrary to the statute of 23. H. 6. cap. 10.

No Sherife, Baylife of Liberty, nor any other Officer shall returne in any pannell or Iury any of his Bailifes, Officers, or Seruants to any of his Officers, by the statute of 23. H. 6.

No Sherife, nor any to his vse, shall take any thing of any person to be arrested or attached, nor for sparing of any arrest or attachment, for Fine, Fée, Suit of prison, Painprise, letting to Baile, or for shewing any ease or fauour to any such person so arrested, but onely for the Sherife twenty pence, the Baylife which maketh the arrest foure pence, and the Gaoler (if the prisoner bee comitted to prison) foure pence, by the Statute of 23. H. 6. cap. 10. Forfeiture x.li

And a Sherife ought to take but foure pence for the Copy of a pannell, and two shillings for returne of a pannell, by the statute of 27. El. ca. 12.

Sherifes ought to let to bayle all persons being in their keeping, by force of any Let-

ter, Bill, or Warrant, in any perſonall action, or vpon Inditement of treſpas vpon reaſonable ſuretie, hauing ſufficient in the county to appeare at the day and place as thoſe letters, bils, or warrants require, except ſuch perſons as are in their gard or cuſtody vpon a capias ad ſatisfaciend, vtlagary, or excommunication, or for ſurety of the peace, or by commandment of any Juſtices, and vagrants which refuſe to ſerue: vide Dyer fol. 324. Hee is of opinion that the Marſhall of the kings bench is within the compaſſe of the ſtat. of 23. H. 6. ca. 10. But the Warden of the Fleet and the keeper of the priſon at Weſtminſter are not within the compaſſe of that ſtat. for they are excepted.

Note, that a Sherife ought to take Band for the appearance of his priſoner with two ſureties, hauing ſufficient within the ſame county, otherwiſe the obligation is held to bee void, and it muſt be made to the ſherife by the name of the ſherife, and not to the vnderſherife, and there muſt be nothing inserted into the condition of that band, but that the defendants ſhall appeare in the court from whence the writ iſſued at the day of the returne thereof to anſwer to the plaintife in his action. Plo. Commeut fol. 68.

If more bee inserted into the Obligation, then is for the appearance of the party bound, the band is void, p Mountague chiefe Juſtice Com-

Commentar 685 in Manninghams case there.

A Band entred into by a prisoner, to any person saue onely to the sherife for the inlarging of a prisoner is not good, but meerely void in law by the statute of 23. H. 6. c. 10. And so it is where a band is giuen to the sherife by a stranger for the inlargement of a prisoner that is not baileable p 37. H. 6. & Dyer 2. & 3. P. & M. fol. 119. A void band.

A Sherife hauing an Attachment retorn coram dicto Rege & consilio suo in Camera stellat apud Westm in quindecim Paschæ ad respondend dicto Domino Regi & consilio suo de quodam contemptu & ad fac' & resp. vlterius, &c. doth arrest the party, and takes band for his appearance indorced with such condition, that if the partie arrested shall personally appeare before the Kings Maiestie, and his Councell at Westminster in Quindecim Paschæ, and then and there shall answere to a contempt by him committed, that then, &c. It was a question whether this Band and condition was good in Law or no, because these words then and there were added vnto the condition which was more then the Statute of 23. H. 6. would warrant, and it was demurred on in Law, but by the opinions of Dyer and Windham, it was thought to bee a good Band and Condition, notwithstanding those words were added, yet Mead was of a contrary opinion, But Termino

Mich. Ann. 22. & 23. El. iudgement was giuen for the plaintife, Dyer 364.

Sherifes ought to take no obligation for any thing whatsoeuer it be, or by colour of their office, but only to themselues, nor of any person being in their custody but by the name of the office naming him sherife in the obligation vpon this condition that the party shal appeare at the day and place in the writ or warrant specified, and if any obligation bee taken by color of their office in any other forme it is void, 23. H. 6. ca, 10.

Forfeit. xl. li.

And sherifes ought to take no more but 4. d. for making of any obligation, warrant, or precept, by the same law.

And sherifes ought to make proclamation when they haue receiued letters for the leuying of expences of the Knightes of the Parliament at the next county-court after the receipt of those letters: and the coroners ought to be there to sesse the wages vpon paine of xl. s. and they ought to assesse euery Hundred at a certaine summe by it selfe, and after euery village within the Hundred with a certaine summe: and if they doe it otherwise, they shall forfeit for euery default xx. li. and he that wil sue shall haue the moitie thereof with treble damages, 23. H. 6. ca. 11.

Forfeiture xl. s & xx. li.

And euery Sherife after the receipt of the Kings Writ for sommoning of the Parliament for the election of Knights for the Parliament,

liament, ought forthwith to make out his warrants vnder the seale of his office to euery Maior and Bailifes of Cities and Boroughs within the County, commanding them thereby to chuse Citizens and Burgesses to come to the Parliament: and those Maiors & Bailifes must make a lawfull returne of that precept to the sherife by indenture made betweén them and the sherife of their election, and of their names which are elected: And the sherife must set his hand and seale of Office to the one part of the Indentures, and then deliuer it to the Maior, or Burgesses, or Citizens to be kept, and to the other part the Maior, and Citizens, or Burgesses must set their hands and seales, and deliuer it as their déeds to the sherif to be certified and retorned by him with the writ of sommons to the clerk of the crown, who will haue 4.s. for his fées for euery Indenture as I doe take it.

The forme of the Indenture for the Knights for the Parliament.

HEc Indentura fact' in pleno Com̃ South. tent̃ apud castr̃ Wintoñ die Lunę vltim̃ die Maij, anno regni, &c. reciting the Kings Stile at large, inter F.P. mil' vic' comit̃ p̃d ex vna p̃t & C.H. mil' H.D. arm̃ & D.B. arm̃, &c & multis alijs p̃soñ com̃ p̃d & elector̃ duorũ milit̃

milit̄ ad Parliament̄ in br̄e huic Indent̄ confit̄ ſpecificat̄ ex altera p̄te qui vt maior pars toti⁹ Comitat⁹ p̄d̄ tunc ibm̄ exiſtens iurat̄ & examinat̄ ſecund̄ vim form̄ & effect̄ū diuerſorum ſtatut̄ inde ed̄it & puiſ. eligerūt H.W. & E.M mil' infra com̄ p̄d̄ comorantes gladijs cinct' milites habiles & maius idoneos & diſcret̄ dāt̄es & concedentes p̄ p̄d̄ duobus mil' plenam & ſufficientem poteſt̄ p̄ ſe & totū comit̄ com̄ p̄d̄ ad faciend̄ & conſentiend̄ hijs que ad Parliam̄ in dict' breui content̄ de communi cōſil' reg. in dicti dom̄ regis nunc Angl' contingerit ordinari ſup negocijs in dicto breui ſpec'. In cui⁹ rei Teſtimon̄ vni parti huius Indenture penes dict' dominū regem remanent̄ partes prædict̄ ſigilla ſua appoſuerunt alteri vero parti eiuſ. dē Indent̄ p̄d̄ vic' ſigillū ſuū appoſuit dat̄ die ah & loco ſu prad̄, &c.

The forme of the Indenture for the Citizens and Burgeſſes.

THis Indenture made, &c. reſting the day, the yeare, and the Kings Stile at large, as before, &c. witneſſeth that by vertue of a Warrant to mée directed from ſir F. P. Knight, Sherife of the County of Southhampton, for the electing and chuſing of two Burgeſſes, men of good vnderſtanding, wit, knowledge, and diſcretion, for cauſes concerning

eerning the weale publicke of this Realme, to be at his Maieſties high Court of Parliament to bee holden at his Highneſſe Citie of Weſtminſter, the xxvij. day of October nert comming, I. I, F. Maior of the borough of C. in the county of S. with the whole aſſent and conſent of the reſt of the burgeſſes there, haue made choice & election of H. M. of the middle Temple Eſquire, & W. S. of L. Eſquire to bee burgeſſes of our ſaid borough of C. to attend at the ſaid parliament, according to the tenor of the ſaid warrant to me directed in that behalfe, In witnes whereof I haue to theſe preſents ſet our common ſeale of our ſaid Borough, the day and yeere firſt aboue written.

☞ A Sherife ought not to execute the office of a Juſtice of P. during the time that hee is Sherife, 1. M. ca. 4.

Where any man by diſſimulation, flattery, or by any cunning slight, means or practiſe do make themſelues to bee beloued of any ſole woman, as maid, or widow, which maid, or widow haue great poſſeſſions, or great ſtore of goods or money, & to deceiue them of it, and to gain it for themſelues, doe by fraud gain the poſſeſſion of ſuch woman, and doe conuey and keepe them in ſuch places where they will not ſuffer them to goe from them at liberty to diſpoſe of their own as they liſt, vnles ſuch maid or widow will enter into Band or Statute to pay ſome great ſumme of money, or elſe bind

bind them from marirge with any but to such as they will nominate and appoint, for remedy hereof it is ordained, that the party so bound shall haue a Writ in the Chancery contayning all the matter of such vnreasonable dealing, called a speciall Supplicauit directed to the sherife of that County where such wrong is offerd, commanding him thereby to make proclamation at his next County court after receit thereof, that the defendant appeare at a certaine day and place prefixed in the said writ before the Chancellor, or before the Iudges of assise of that county, or before some other person assigned by the Chancellor: and the sherife is bound to execute such writs, according to the tenor of them, vpon paine of 300. li. the one moity thereof to the King, and the other halfe to him that will sue by Action of Debt, where no wager of Lawe, protection or forreine plea shall bee allowed by the Statute of 31. H. 6. ca. 9.

Forf. CCC. li.

Vpon information made to a Iustice of P. or other Iustices, against any person for retaining or giuing liuery to any, or against any which is retained, the Iustices ought to make proces vpon this information as vpon a recouery in debt or trespas, and the Sherife ought to returne no lesser issues in any suit brought hereupon against any person that is sufficient, then 20. s. at the first day vpon the distresse, and at the second day 30. s. and at

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the third day xl. s. and so at euerie day after, more by ten shillings in issues, vpon payne for euery retorne, twentie shillings, ann 8. Ed. 4. cap. 2.

The antient Sherifes may returne Writs, and execute their office during the Termes of Saint Michael and Hilarie after the yere their Office is ended, if they bee not before that time lawfully discharged of their office, 17. E. 4. ca. 7.

No sherife or any other Officer ought to release or take from any person arrested or imprisoned for Felony, his goods, vntill the same person arrested or imprisoned bee duely conuicted and attainted of the same Felonie by due course of law, viz. either by triall, confession, or outlawry, vpon paine to forfeit the double value of the goods so taken, to the party grieued, to be recouered by action of debt, wherein no wager of law, essoine, or protection lieth, an 1. R. 3. ca. 3.

Sheriffes which haue the custodie of the Gaole, ought to certifie the names of their prisoners which are in their custodie for Felonie, to the Iustices of the next generall Gaole deliuerie, in a Kalender, vpon paine of a hundred shillings for euery default, an 3. H. 7. cap. 3.

Also a Sheriffe, nor no other person in his name, or by his commandement, shall enter any Plaints into their Bookes in any mans name,

name, vnleſſe the plaintife be there in his pro-per perſon, or elſe by his ſufficient Attorny or deputie, that is wel known to be of good name and behauior, and the Plaintife ought to find Pledges, ſuch perſons as are knowne in the Court to purſue his Plaint, And a plaintife ſhall haue but one plaint for one treſpaſſe, or one contract, and if the Sherife, or any other of his Officers, cauſe to bee entred any more plaints than the plaintife hath cauſe of Action for, then the ſherif or his clerke that doth contrarie to this act, ſhall forfeit for euery default fortie ſhillings, the moitie to him that will ſue and proue the ſame matter by action of debt or information.

Alſo the Sherife ſhall make ſufficient Pre-cepts after ſuch plaints entred, but not before, againſt the defendants, directed to the Bailife of the hundred, to attach or warne the def. to appeare at the next county court, and anſwere to the ſaid plaints, and if there be any default in the ſaid bailifes in the execution of their offices, according to the tenor of their precept, then they are to forfeit xl. s. and to be conuicted thereof by examination of the Iu. of P. or by any of them.

Alſo the ſame Sherife, nor their deputies ſhal make any extracts to leuy the ſhire amer-ciaments, vntill that two Iuſt. of P. whereof one to be of the Quor, haue the ſight of their bookes, & the extracts to be indented betweene

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the Iust. of P. and the sherife and vndersherif sealed with their seales, the one part thereof to remaine with the said Iustices, and the other part with the sherife, for his warrant to leauie the amerciament by.

And that those persons that shall be gatherers of the said amerciaments, shall be sworne by the said Iustices, That they take no more money than is forfeit, and certified in their extracts, sealed with the seales of the Iustices to the same, vpon the same paine of forfeiture as is aboue rehearsed, to bee conuict by examination of the same Iustices, or one of them. And the same Iustices of Peace shall bee appointed at the sessions holden at Mich. by him that is Custos Rotulorum, or in his absence by the eldest of the Quorum, to haue the controlement of the said Sherifes, Undersherifs, shire-Clerkes, and others of their said Officers, and the said sherifes amerciaments, and the said iustices of peace, vpon suggestion shall make proces against the sherif, undersherif, shire clerke, or other officers, to appeare before them to answer to such suggestion or information, as is vsed action of Trespas, by the statute of 21. H. 7. ca. 15.

Also euerie Sheriffe vpon a Precept to him directed from the Iustices of Peace to returne them a Iurie to enquire of any Riot, or vnlawfull Assemblie committed, shall returne foure and twentie persons dwelling in the

the shire, euerie one of them hauing xx. s. per annum, of freehold, or 26.6.8.d. per annum, copihold, or of both, besides all charges, and to returne in issues vpon euerie person which maketh default, xx. s. at the first day, and at the second day xl s. and if default be in the sherife, for returning of persons insufficient, or for not returning of issues in forme aforesaid, then hee doth forfeit twentie pounds, anno 19. Hen. 7. cap. 13.

Also if any Ryot or vnlawfull assembly bee in any part of the Realme, the Justices of P. or two of them at the least, and the Sheriffe, or Undersherife, may come with the power of the Countie, if neede be, & arrest and restraine such misdoers, and these Justices & the sheriffe haue power to record that which they finde done in their presence against the Law, And such misdoers shall be conuict by that Record: And if they bee gone before the comming of the Justices, and the Sheriffe or Undersheriffe, then the same Justices, or two of them, ought diligently to inquire thereof within one Moneth vpon such Ryot or Assemblie made, and if the trueth cannot bee found out within one moneth then next insuing, then those Justices, or two of them, and the Sherife or Undersherif, shal certifie the King and his Councell therof, and of all the circumstances thereof, which Certificate shall be as an indictment of twelue men, whereunto they shall bee compelled

pelled to answer, anno 13. H. 4. cap. vltimo.

And if the said Ryot or vnlawfull assembly be not found by reason of any Imbracerie or maintenances of the said Jury, then the said Justices of Peace, and the sherife and vndersherife ouer and beside such Certificate that they muſt make, according to the said statute of ann. 13. H. 4. shall in the same Certificate certifie the names of the same maintaynors and imbracors in that behalfe, if any be, with their misdemeanors that they know, vpon paine of euery of the said Justices and sherife and vndersherife twenty pound, if they haue no reasonable excuse for non certifying of the same: which Certificate so made shall bee one Indictment in the Lawe, and euery person duely proued to be a maintaynor or imbracor shall forfeit twenty pound, and bee committed to ward there, to remaine by the discretion of the Justices, Anno decimo nono Hen. septim ca 13.

Also that no Sherife vpon writs and precepts directed vnto him to returne before Escheators, or Commissioners, shall returne any person to inquire of any lands or tenements except hee haue lands or tenements of the yeerely value of xl. s. aboue all charges in the same shire vpon paine of forfeiture for euery person so returned, an hundred shillings, ann. 3. H. 8. ca. 2.

Also all pannels put in by the Sherife be-

fore any Iuſtices of Gaole deliuery, or before Iuſtices of Peace, whereof one be of the Quorum in their open Seſſions, to inquire for the King, may be reformed by putting to and taking fro of the names ſo impannelled by diſcretion of the ſame Iuſtices, and that the ſame Iuſtice or Iuſtices ſhall command euery Sherife & their miniſters in their abſence to put other perſons in ỹ ſame panels by their diſcretion, & the ſame panell ſo returned by the Iuſtice to be good, and if any Sherife doe not returne the ſame pannels ſo reformed, then euery Sherife ſo offending, ſhall forfeit xx.li. halfe to him that will ſue by action of debt, bill or complaint, where ſuch ſhall happen to bee, and no wager of Lawe, Eſſoine, or Protection therein to be allowed. tertio Henr octaui cap. duodecimo.

Alſo vpon euery Exigent where writs of Proclamation are to bee awarded, the ſame writ of proclamation is to haue the ſame day of return that the Exigent hath, and to be deliuered of Record by the Exigenter of euery ſhire. And the Sherife is to make a Proclamation three ſeuerall dayes in his county whereof one proclamation is to be made at the generall ſeſſions in thoſe parts where the party is ſuppoſed to be dwelling, there to yeeld his body to the Sherife of the forein ſhire, that that Sherife may haue the body at the day of the returne of the Exigent to anſwer to the plaintife. And

that

that the sherife of the Countie that hath such writ of proclamation, duely execute & returne the same, at the day vpon paine to forfeit such amerciament as by the Iustices before whom the said writs shall be returnable shalbe assessed. Anñ 6. H. 8. ca. 4.

Also Sherifes which haue the custodie of gaoles shal make seales to be grauen with the name of the Castle that they kéepe for to giue and seale letters to prisoners acquited to beg for their fées within the hundred where they be deliuered by the space of six weékes next after their deliuery, and then to goe to the Hundred where they last dwelled by the space of three yeares, or where they were borne: the sherife shall not suffer such prisoners to begge for their fées, nor to depart out of prison to doe seruice and labor, vntil he deliuer to them such letters, and the Clerke of the Peace is to make such leters within one day after the sessions, when such prisoner is acquited, vpon paine of vj. d. to the king by the statute of 22. H. 8. cap. 21. & 5. El. ca. 4.

Sherifes ought to kéepe their County court euery moneth, if it hath bin accustomed to bée so kept. Magna charr. ca. 33.

The King commands that Sherifes and their Officers which receiue his debts, shall acquite the debtors vpon their account when they haue receiued his debts, and then it shall be allowed vpon their accompts in

the Exchequer: and if the Sherife doe otherwise, and be thereof conuicted, he shall then pay three times so much as he hath receiued to the party grieued, and also be fined at the K. pleasure, Westm. 1. ca. 20.

Sherifes and others which haue leuied the Kings debts, and giuen acquittances to the debtors, and yet doe not acquite them, it is ordered and set downe for a Lawe, that when the sherife is impleaded for it in the Exchequer, if he come not in vpon the first pistrefie, then shall goe out another with proclamation, which must be made in full county, that the defendant doe come in at a day certaine, and acquit the debtor of the money which hee did receiue, and if he come not in, then he shall be conuicted by default, and the debt leuied vpon him as a debt recouered against him in the K. Court, and the plaintife shall haue therein damages according to the discretion of the Barons, by the Stat. of 14. E. 3. c. 1.

And it is the Kings commandement that all Sherifes and Baylifes which haue receiued the Kings debts of the summons of the Exchequer, if they acquit not the debts vpon their account, that then they shall be punished according to the Statute de Distinctionibus Scaccarij ca 5.

And it is ordained that execution of writs which are brought to sherifes should be done by the bailifes of hundreds well & knowne,

and

and in full county, and not by others vnlesse those bailifs will not or cannot execute them, then they are to be done by other conuenient person or persons swoorne by the stat. of Lincolne cap. vltimo.

No sherife shall suffer a Barreter to maintaine any actions or quarrels in their Countie Courts, nor Stewards of great men or others which is not Atturney to his Lord or Master, nor they shall not pronounce iudgements there, vnlesse they bee thereunto required by all the suitors, Westm. 1. ca. 23.

It shall bee lawfull for euery Sherife, Iustice of Peace, and Escheator to seaze to the K. vse all such goods and chattels as Egyptians haue, within their charge, and thereof to giue an account to the King in his Exchequer for the moitie thereof, and to detaine and keepe the other moitie to his owne vse, and to pay no fees for the account nor for the charge thereof.

In these statutes it appeareth what things Sheriffs ought to doe by reason of their office, and that they ought to take nothing for doing of their office, but that onely which is appointed for them to take by the same statutes, if they doe otherwise, it is extortion in them, and it ought to be inquired of by the Iu. of P. and by them punished accordingly.

And it is ordained by the stat. of 1. H. 4. c. 5. that if any sherife do any extortion to the peo-

ple, and therof be duely attainted that he ſhall be duely puniſhed for the ſame extortian at the Kings will.

A Sherife may and ought at his turnes to inquire of common Nuſances done to all the Kings ſubiects, but not of Aſſaults made to a ſole perſon, Per Martiñ Anno quarto Hen. ſexti, octauo Edw. quarto, quinto Dyer 234.

A Sherife ought to keepe his Turnes within a moneth after Eaſter and within a moneth after Michaelmas, and if he keep it at any other time after the moneth, it is void by the Statute of 13. Ed. 3. ca. 19. and all indictments and preſentments taken there after the moneths are expired, are void by the ſtat. of 38. H. 6.

A Sherife may inquire of bloodſheds in his turne, for if any thing be omitted in a leete, it may be inquired of at the Sheriffs turne, for all leets were deriued & taken out of the Sheriffes turne, Paſch. 8. Ed. 4. 29. Ed. 3. 27. 43. Ed. 3. & 20. 20. E. 3. 3.

And all the Iuſtices were of opinion that a Sherife hath authoritie to inquire of all things in his Turnes that is either treſpaſſe or felony at the common Law, except of the death of man, but he cannot inquire of treſpas or felony by ſtatute in his turne, 28. E. 3. 95. 21. E. 4.

If a Sherife inquire of Newſance in his Turne, and it is there found, which ſhould

haue béene inquired of in a Leete: now the Sherife cannot diſtraine for his amerciament, for if he doe he is a treſpaſſor. But if default be in the Lord of the Leet for that hee did not inquire thereof, it ſæmeth then that the Sherife by the Lords default may inquire thereof in his Turne, 28.E.3.95.29.E.3.27.10.H.4. 21,E.3.3.

If a man haue a faire or a market by grant or by preſcription, and doth not kéep his faire or market as he ought to doe, the Sherife may inquire of this in his Turne.

Upon a preſentment of a Nuſance in the Sherifes turne, the offendor ſhall bee amerced, there the Sherife may diſtraine for that amerciament. And if a Purpreſture bée preſented there, the Sherife may abate it and returne it, Paſc' 25.E.3.

It appeareth by Maſter Britton, that all the Frœholders & terre Tenants inhabiting within the Hundred, ought to come to the Sherifes Turne, none excepted, but Knights and Clergie men, their wiues and children, And there, twelue at the leaſt of the ſufficienteſt Frœholders within the Hundred ought to be impannelled and ſworne to inquire and preſent all things there inquirable and preſentable, and all the reſt which appeare there, ought to be ſworne by the dozeners and villages to preſent to the ſaid Jury al ſuch things as ſhalbe giuen them in charge, and it ſæmeth

that the sherife ought to kéep his turne in euery hundred within his Countie, and there punish all things which haue bén omitted at the léets or law dayes there.

Also by the same law, it séemeth that they ought to inquire there of pettie treasons, homicides, rapes, robberies, burglaries, and of all manner of felonies by the Common Lawe, and of all other things inquirable at a Léete, according to the Statute of 18. Ed. 2. de Vic' Franc' Pleg'.

And when the borowers and villages haue deliuered their presentments to the said Iury, & the Iury when they are agréed of their presentments, then they must giue vp to the Steward or court-kéeper such presentments as they will stand to, and auow, and if there be any of felony they must deliuer vp these by themselues to the Steward priuily, and the rest openly.

But this Court is now almost out of vse since sherifes haue vsed to sell both their sherifwickes and bailiwickes to men of meane estate that will not regard the good of the Common wealth, but altogether their owne priuate gaine and profit, whereby the King is many times much wronged, and deceiued, betweene the vndersherife, and the bailifes, of all his waifes, straies, and felons goods, which are taken vp by the baylifes, and neuer accounted for, which may touch the sherife

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in his credit and reputation, for when hée entreth into his account for the payment of the Kings debts, hée is then ſworne to anſwer and account for all waiſes, ſtraies, and felons goods, debts, perquiſits, and profits which he ſeldome or neuer knowes of, becauſe thoſe ancient Courts are not kept as they ought to be, and therefore how hée may diſpence with his oath herein is the queſtion.

There is a Writ in the Regiſter, fol. 174. whereby a ſherife may remoue all his Baylifes of hundreds, wapentakes, tithings, and liberties which haue not lands or tenements ſufficient within the County. And ſherifes bailifes one yere, ought not to be in that office in three yéares after by the ſtat. of 1. H. 5. cap. 4. becauſe by their continuall being in the office, they grow ſo cunning that they are able to deceiue both the King, the Sherife, and the Countrie.

And Sherifes baylifes ought to be ſworne to the ſupremacie, and to exerciſe their Office duely and truely by the Statute of 27. Eliz. capitul. 12.

The nature of Executions, and of how many ſorts they are.

THey are of fiue ſorts or degrées, viz. vpon A Statute Merchant, A Statute ſtaple, A Recogniſance, an Elegit, A Capias ad

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ſatisfaciend', and a fieri fac' and a Sherif cannot lawfully breake any mans houſe to doe execution vpon any of theſe iuſtifiable, except the King be a party for domus ſua cuique eſt tutiſſimum refugiũ, as hereafter ſhall appeare. If a man be bound in a ſtatute merchant, execution ſhall be done thereof thus, firſt a writ of Certiorare muſt be ſued forth of the Chancery, directed to the place where the ſtatute was acknowledged to certifie the acknowledgement of the ſtatute into the pettie bagge office in the Chancerie, and vpon that certificate ſhall goe out a Capias againſt the body onely, ſi laicus ſit, returnable in the Court of common Pleas, or in the Kings Bench: And vpon the returne of that, with the Sherife of that ſhire to whom it was directed, quod laicus eſt, & non eſt inuentus in balliua ſua, then within a quarter of a yeare after ſhall goe out an Exigent againſt all the conuſors lands, and goods, and againſt his body, and for your better ſatisfaction herein ſee the Statute de Mercatoribus 37. H. 6. fol. 6. and Fitzherbert 130. G.

A Statute Staple muſt be certified in the like manner as a Statute Merchant, and vpon that ſhall goe forth a Writ of execution both againſt body, lands, and goods, returnable in the Chancerie in the petie bagge office there, and not in the Court of Common pleas, or Kings bench, as the Writ of execution vpon

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on a ſtatute merchant ſhall: and vpon the returne of this writ ſuch lands and goods as are taken in execution ſhalbe deliuered to the cogniſée, by the ſherife by another writ called a Liberate, and not before. And note that all the fée ſimple Lands, which the cogniſor had at the time of the acknowledging of the ſaid ſtatute, or at any time after, are liable to both the ſaid ſtatutes, but no intailed land, but during the cogniſors life, nor no copihold land, nor no goods, nor leaſes for life, or yeares, but ſuch as the recogniſor hath in his owne vſe and poſſeſſion at the time of the execution done, Fitzh. 131. D.

Note, that if a ſtatute ſtaple be returned and filed, the cogniſée can haue no Liberate into any other county. 2. R. 3. fol. 7.

Vpon a Recogniſance there ſhall not goe out a Capias, but Scire fac' returnable in the Chancerie, and vpon the returne thereof they doe vſe to award a Capias, a Fieri facias, or an Elegit, at the choice and election of the cogniſée. 48. E. 3. fol. 14.

By an Elegit the ſherife may take in execution one halfe of the land of the cogniſor, and all his goods, preter boues & affros de caruca ſua. A Capias ad ſatisfaciendum is onely againſt the body, which the ſherife muſt bee ſure to keepe ſafe, or elſe he may perhaps pay the debt, if his priſoner doe eſcape either with his leaue or conſent, after that hée is once in execu-

execution, for then the Sherife hath small remedy or none at all, but if he doe escape against the sherifes will, and without his consent, then the sherife may take him againe if he can find him, by the same writ before the returne thereof, or by another after, though it bee in another shire, so that hee bee followed with fresh suit, and taken againe before the action brought by the plaintife against the sherife, for the escape, howsoever the sherife in this case may haue his remedy against his prisoner by his action vpon the case, if he be able to make him satisfaction, otherwise he may keepe his body, and his prisoner in this case shal not be deliuered by superseď vpon audita quærela, because hée cannot take any benefit of his owne wrong. But otherwise it is when a prisoner escapes with the consent of the sherife or gaoler, for then he shall haue and maintaine if hée will an Audita quærela against a sherife, or a gaoler, as it appeareth in my Lord Cokes 3. booke of Reports, fol. 43. & 44. in Boytons case there.

And in my Lord Cokes said third booke of Reports, it is resolued for Law, That if a sherife dye in the time of his Office, hauing diuers persons in his custody, and after a new sherife is chosen in his place, in this case it behoues the new sherife to take notice at his peril of all the executions which are against any person which he findes in the Gaole, and

that

that is a matter of necessitie, for in that case there is no man in rerum natura to deliuer the prisoners vnto him.

Also in the same case it is resolued, that if a sherife dye in the time of his office, and before another be appointed to that place and office, a prisoner which was in the prison in execution, breaks the prison, and so is at large, this is no escape, and the reason is there alledged, because when the sherife died, all his prisoners were in the custodie of the law, vntill a new sherife was chosen, and set in his place. And therefore although that the prisoners be in the interim out of the walls of the prison, yet the law hath the custodie of them, and preserues them in execution without any fresh suit made after them, whersoeuer they be, and they may be fetched againe in execution at any time after, if they can be found, and no escape in this case can preiudice the plaintife.

Note also that if a prisoner die in execution before payment or satisfaction made to the plaintife for his debt for which he is in execution vpon a Capias ad satisfaciend, in this case the pl. shall haue an Elegit against the defendants lands & goods, if he had any lands, in fee simple, at or any time after the Iudgement was had against him, or any goods at the time of his death, And it is Blounfields case, in the fift booke of sir Edward Cokes Reports, f. 87. and Fitz. nat br. fo. 246.

Also

Also when a man is in the sherifes custody by the proces of Lawe, & after another writ is delivered to the sherife against the body of him which is then in his custody, the sherife in this case must be answerable for his prisoner, although he doe not arrest him by the second Writ, by the judgement of the law, for Lex non præcipit in vtilia; And this in Frosts case in the fift booke of Reports, fol. 89. and with this agreeth 7.H.4.30.

If a Capias, viz. a mean proces be executed and not returned, the arrest is tortious and a wrong, for the arrest is made to that end that the def. should appeare to answer to the pl. in his action, but in all writs of execution except an Elegit, if the execution be duely done, although the writ be never returned or filed, it is no great matter if ỳ pl have his demand, for then he hath no cause to procede any further therin: but in case of an Elegit, because the Extent is to be made by an Inquest, & not by the sherife alone, that ought to be returned, or else it is nothing worth, as it appeareth in Hoes case in the said 5. booke of Reports, f. 90. & by Fulwoods case in the 4. booke, fol. 65.

Also it is resolued in Seymans case in the said 5 booke of Reports fol. 91. that a mans house is to him his Castle, as well for his defence against iniurie and violence, as for his rest and repose, and that a sherife cannot iustifie the breaking of any mans house to execute

rute a Capias a ſatisfaciendum, or a Fieri fac', but if he do, it is at his perill, and he is therein a treſpaſſer, if the King be not a party, for domus ſua cuique tutiſſimum eſt refugium, but if the K. be a partie, then the ſherife may iuſtifie the breaking of a houſe to doe execution of his proces, if he cannot otherwiſe execute his proces, but firſt he ought to make requeſt to open the doore by the ſtat. of Weſtm. 1. c. 17. & 41. of the Aſſiſe placit 17. if hee breake the doores when he may enter otherwiſe, yet in the ſaid Seymans caſe, it is reſolued, That a ſherif vpon an habere fac' ſeiſinam or poſſeſſionē may breake a houſe and deliuer ſeaſon and poſſeſſion thereof to the plaintife, and the reaſon therein is, becauſe that after iudgement, it is not the defendants houſe in right and iudgement of Law.

Alſo whether it bee for felonie or ſuſpition of felonie, the Kings officer may breake another mans houſe to apprehend a theefe, & that for two reaſons, viz. one for the good of the Common-wealth, and the other is for the ſeruice and duty which he owes to his prince, for in euery felonie, the King hath an intereſt, and where the King hath any intereſt, the Writ is A non omittᵃ propter aliquam libertatem, and therefore the libertie or priuiledge of any mans houſe will not hold againſt the King, but where the King hath no intereſt

tereſt, but onely a common perſon. A Sherife although he make requeſt to open the doores, and denyall is made, if hee ſhould then breake them, and ſo enter and doe execution, thereof might riſe great inconuenience, that men in the night as well as in the day, ſhould haue their houſes broken vpon any fayned matter, for although that a Sherife bee an Officer of great authority and truſt, yet it appeareth by daily experience, that all or the moſt part of the Kings Writs, are executed, and ſerued, by Vnderſherifes and Bailifes, which moſt commonly are perſons of ſmall value and account. And all the authorities which doe proue that when the Proceſſe doe conterne the King, that the Sherife may then breake the houſe of any Subiect to execute them, if otherwiſe hee cannot execute them, implyeth that at the ſuite of a common perſon, the houſe cannot bee broken iuſtifiably, and with this reſolution agreeth the booke in 6. Edw. 4. fol. 9. A fieri facias is onely againſt the goods, and chattells of a man, as moueable goods, or Leaſes for yeares, and the Sherife had needs to bee very carefull how, and after what manner, hee doth execute this Writ, leaſt hee burne his fingers, for if the goods or Leaſes which hee taketh in execution bee not the defendants owne goods, or Leaſes, although hee may finde them in

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the poſſeſſion of the defendant, which is the beſt colour in Law to proue them his, if he vſe them and take the profit and benefit of them, as appeareth in Twynes caſe in ſir Ed. Cokes 3. booke of Reports.

Alſo ſometimes it doth fall out, that the goods and chattels which a Sherife vpon ſuch a Writ taketh in execution, are not the defendants, and then the Sherife is a treſpaſſer to the Owner of the goods, as if the Lands be pawned to the defendant, they are none of his vntill the day of the redeeming of them bee paſt, 34. H. 8. Pledges, & 28. & 4. Edw. 6. diſt. 75. So if a man bona fide, make a Leaſe of his Oxen for yeares, and after is condemned in a perſonall Action, theſe Oxen during the time ſhall not bee taken in execution, 22. E. 4. fo. 10.

In debt where three are bound ioyntly, and ſeuerally, and three Iudgements are had againſt them, in this caſe if execution bee done againſt one of them, the others ſhall haue a Superſedias: But in Treſpas againſt three, execution againſt one of them ſufficeth not, and the ſame Lawe is in a toynt debt, 4. El. fol. 39.

If goods taken in execution vpon tryall are found to be none of the defendants, then the Sherife ſhall pay damages to the owner of the goods, to the value of the goods ſo taken,

and costs of suit, although hee hath delinered them to the plaintife in execution, or if he haue not delinered them to the plaintife, if he haue returned his writs, that hee hath taken so much goods of the defendants, and that hee hath denarios illos parat ad reddend' to the plaintife, then he is at a double mischiefe, for although the value of the goods bee recouered against him by the owner of the goods, yet the Plaintif in the action may within the yeare after execution done, haue a Scire facias vpon the iudgement and returne, and thereby compell the Sherife to bring the money into the Court, and after the yeare he may haue an action of debt against the Sherife for it, if hee bee not otherwise ordered by the Court where the Iudgement is depending. And therefore in this case the surest course for the Sherife, is either to keepe the goods vntill the parties bee agreed, or els to take good securitie of the plaintife to defend him and saue him harmeleſſe, and to stay the returning of his writs, vntill he may be well aduised what to doe therein, for if he take a bond of the plaintife, it is questionable whether it bee good or no in Law, and not within the compaſſe of the stat. of 23. H. 6. to be taken colore officij: sed hoc quære.

It is resolued in Mittons case in my Lord Cokes 4 booke of Reports, fol. 33. & 34. that both

both the County C, and the gaole are appertinent and belonging to the Sherifes office, and ought not to be seuered, no more then the Sherifes turne from the office, and it was the opinions of Poph. & Anders. the 2. L. chiefe Iustices, and with that agreeth the Iudgement of the Parliament, ann. 14. E. 3. ca. 10.

Now next I will say something as conterning a Sherifes account, which will trouble him most of all, if hee bee neuer so skilfull therein, it is so tedious and so chargeable, for if he get by his office, hee will goe nigh to bee stripped cleane out of it in paying of Exchequer fees, and other extraordinarie charges which he cannot auoid, as experience hath taught me, and there is no way to helpe it as I thinke, but by an act of Parliament, and therefore it is no marueil that the Undersherifes make shipwrack of their consciences, to catch what they can to saue themselues, and that which they had before they entred into that office, for what betweene some of their high Sherifes couetousnes in taking mony for their office, & extremitie shewed to them and their sureties vpon euery light and small occasion, and the extreme taking of ordinary & extraordinary fees of Exch. men, a poore undersherife is stripped out of all that euer hee hath, or can make, if hee doe not hedge so, as he may bee still in action euery yeare, as a Fore is

ſtripped out of his skinne, and yet ſelue or none will pittie him, for in every Court where hee is called in queſtion, the name of an Vndersherife is ſo odious, and many times not without iuſt cauſe, that oftentimes an honeſt man is condemned to be a knaue, before hee is heard ſpeake for himſelfe; nay, hee is ſo odious (I meane a lewd extorting Vndersherife) that a Theefe by the Kings generall Pardon, receiues more fauour then hee can, for a theefe is thereby pardoned of all felonies, for the which he might haue the benefit of his Clergie, although hee cannot reade, but all miſdemeanors committed by an Vndersherife, are commonly excepted out of the Generall Pardon, which is ſomewhat harſh, that all ſhall bee condemned for ſome, for there is neuer an Officer the King hath, taketh more paines, and vndergoes more perils, and doth the King better ſeruice, then an honeſt vnderſtanding and a carefull Vndersherife doth, but commonly theſe doe dye beggers, by reaſon of the cauſes before alledged.

The entrance into the Sherifes Account.

Firſt in Hillarie Terme next after they are out of Office, the high ſherife and vnder-

ſherife,

Sherifs of moſt ſhires, are ſworne to yeelde and giue a iuſt and true account to the King and his officers in the Exchequer of the Kings debts, which they ſhall bee charged withall, by the greene ware of the Exchequer, and of all wayues, ſtreyes, and deſtelous goods, which happened within the compaſſe of their office, and of all other profits whatſoeuer, due and belonging to the King, and chargeable by them to anſwere for, by reaſon of their office, or mouth to this effect. Now when this is done, the high Sherife commonly takes no further care, becauſe hee thinkes himſelfe ſecure, by reaſon of his ſecuritie which hee hath of his vnderſherife, for thereupon hee relyes, and ſeldome or neuer remembers what oath hee hath taken, and ſo commits all to his vnderſherife, then if his vnderſherife bee a carefull and an honeſt man, and haue ſkill and regard to doe his beſt indeauour to leuie the Kings debts, and to pay them into the receit duely and orderly, as they ought to bee, then the high Sherife may doe well enough, and therein diſcharge both his Oath and Dutie, but if otherwiſe, a lewd, or an ignorant vnderſherife, may both vndoe his high Sherife, and himſelfe, both in this world, and in the world to come, by torting and miſkilling, that is, in charging or diſcharging, vnorderly, vnhoneſtly, or ignorantly, for if it bee torted, that is charged, though it can neuer bee leui-

en, it will now hardly be auoided, but it muſt be paid, and if it be nichiled, if it be iſſues of Iurours thongh they bee neuer ſo bad, and cannot bee leuied, betweene the old Sherife which returned them, and the new Sherife which nichiled them, they muſt bee payed thongh it be ſeuen yeares after, if there come no pardon in the meane time, by an old Statute law made in the 27. yeare of Edw. 1. and to preuent this it behoues all Sherifes before they take vpon them to returne any Iurors, to get them a perfect booke of all the ſufficient freeholders names in the ſhire, and eſpecially of all which dwell in the gildable, howſoeuer they do of thoſe which are in liberties, but of both is beſt, that the one may helpe the other, and to returne ſewe or none that be meane Freeholders in the gildable, leaſt by the ſaid law they be inforced to pay their iſſues for them, which is a thing very hardly to be brought to paſſe, vnleſſe the Iuſtices of P. in euery quarter of the countrie, doe cauſe the Conſtables and Bailifes to bring a true certificate thereof to the firſt quarter ſeſſions that ſhall be holden in the ſhire, after the election of the new Sherife, to be deliuered vnto him there, and this will hardly bee done, vnleſſe the Iudges of Aſſiſe of euery ſhire will be pleaſed to write their letters to that end and purpoſe to the Iuſtices of Peace of euery diuiſion,

Now next the vndersherife muſt goe to the forren Appoſer, and with him he muſt either tot, nichil, or ſet ouer into liberties, all the debts & ſums of mony contained in the Summons of the greene ware & in the Extracts of the P. of the Co. where he was vndersherife, wherin he muſt be very carefull what he doth, leaſt he do ỹ which he cannot vndo againe, & to preuent the danger thereof, his beſt way is to examine his booke which he is to make of all the charge contained in his ſommons & ſcedule before and with the bailife of the ſhire to haue their direction, which are good debts & which are not, and which are in liberties & which are not, if he himſelfe doe not know it, before hee come to his account, and then make his booke accordingly, & then he ſhall be the better able to performe the duty of an honeſt man, when hée comes to his Appoſals, but herein if the ſherife know not well the countrey, and the Kings debtors himſelfe, hee is many times abuſed by the Bailifes, who moſt diſhoneſtly will miſinforme him, and for bribes and rewards, which they take of the Freholders, will tell him that they are either long ſince dead, or nothing worth, when as they are liuing, and very ſufficient, and they will alſo ſerue him ſo, with the Recogniſances, and by that meanes diſhoneſt Bailifes doe cauſe Sherifes to deceiue the King of many of his debts by their ignorance againſt their

wills, in trusting of the reports and informations of their Baylifes: and this cannot be helped vnles the sheriffs will levie the Kings money themselues, which they cannot possibly do, by reason of their other business, or had sufficient seruants about them to doe it truely, and honestly, without grievance of the countrey as it ought to be.

A particular of the ordinarie charges of the Accompt of *the Sherife of the Countie of South*-hampton, heretofore vſed to be *payed, as followeth.*

IN primis, to his Atturney in Mr. Osbornes office, for his warrant of Atturney. ij.s. vj.d. Termin ſancti Hill' Cro Purificationis, when he entreth into his Account.

Item, to him for his fees, and I cannot tell for what elſe. iiij.s.

Item to his man for his fees, vi.s. viij.d.

Item to another in that office for entring of that warrant, xij.d.

Item to the punie Baron for miniſtring of the oath, ij.s.

Item to the Cryers and Tipſtaues there, vj.s.

Item to the Marſhall then and there, vj. s. viij.d.

Item to the forrein Appoſer for his fee, iij. li. x.s.

Item to his men x.s.

Item to the Clerke of the Extracts for his fee

fée. xx.s.

Item to his men x.s.

Item to his Atturney in the pipe for his fées v.li.

Item to his man for his fée xx.s.

Item to the deputie of the pipe for his fées, xxiij.s.iiij.d.

Item to the Controller of the Pipe for his fées xxvij.s.vj.d.

Item to his man for his fée x.s.

Item to Ma. Orms of the Pype for his fées xvij.s.viij.d.

Item to the Baron for the appoſell vpon the ſummons of the Pype x.s.

Item to him for his fée for the vicontels x.s.

Item to his man for his fée for ſame v.s.

Item to his Atturney in the kings remembrancers office for his fée xij.s.iiij.d.

Item to his man xij.s.vj.d.

Item for a writ of Aſſiſtance from your Atturney in M. Osbornes office v.s.vj.d.

Termino Paſchæ.

Inprimis to the Mr. of the Pype for his fée xvij.li.v.s.

Item to the Ma. of the Wardrop for his fée v.li.xj.s.ix.d.

Item to him for a Tally to haue thereby an allowance giuen for it xvj.d.

Item for ioyning of that Tally in the Pype xij.s.iiij.d.

Item for Mall. Elſons fée for the forreſt of Weſbeare

Melbeare in Hamshire iij.li.x.d.

Item for the Earle of Pembrokes fée for Burley wall in the New forrest in the sayd Countie ix.li.vj.s.vj.d.

Item to M. Will. Kingsmill for his fée and reparations of Freemantle Parke in the said County xxix.li.xvj.s.v.d.ob.

All these five last payments are allowed vpon the sherifes account, out of the R. money, which otherwise should be payd to the king.

Item to the forren Apposer for his fée for allowance of Justices wages to the sherife vpon the Extracts of the Peace xl.s.

Item to his men for their fées xij.s.iiij d.

And herein the sherife of the said Countie is wronged by the Clerke of the Peace of the said Countie, for the Clerke of the P. there receiues all the fines, and payes the wages, and if there be any surplusage he puts it vp in his owne purse, and the Sherife payes it to the king and neuer hath it, because the fines are all certified in the Extracts of the Peace, and many times the fines doe exceede the wages of the Justices which are allowed to the sherife for the wages, for he is allowed but iij.s. a day a peece for eight Justices, & therefore accounting the fées which he payes to the officers in the Exchequer for his allowance, he is a great loser by it, and the Clerke of the Peace goes away with the gaines, therefore this would be remedied.

Item

Item to the forraine Appofer for caſting vp of the debet vpon the ſcedules of the greene ware, v.s.

Item to the Auditor aſſigned for the ſhire, for declaring of the account, v.li. at the leaſt.

Item to the Atturney of the pype for giuing allowance of the Iuſtices wages, before allowed by the foren Appofer in the ſheriffs account. xiiij.s.iiij.d.

Item to him for giuing allowance of Eliſons acquitance, vj.s.viij.d.

Item to him for the fate of the Accompt, xxiij.s.iiij.d.

Item to his man for his paines taken therein, v.s.

Item to the Baron for declaring of the account, vj.s.viij.d.

Item to his man for his fee v.s.

Item to his atturney in the K. remembrancers office for examining of the account, v.s.

Item to one of Mr. Osbornes office for recounting of the account, v.s.

Item for copies of the feiſures which the ſheriffe makes himſelfe in his yeare in Mr. Osbornes office commonly at the leaſt, v.li.

Item for copies of the new feiſures in the Remembrance, according to the number of them, but commonly they come to about xx.s.

Item you muſt leaue with your Atturney in Mr. Osbornes office in part of payment for making your petition vpon your account, for they

they will coſt you iiij. s. a peece, and you may perhaps haue C. r.li.

Item for another writ of Aſſiſtants there, v.s.vj.d.

Item for entring the view of the account in M. Osbornes office, vj.s.iiij.d. Termino Trinitatis.

Item in the Alienation office for viewing of the account, and for a note of the charge there, iij.s.iiij.d.

Item if the ſherife take the benefit of a generall pardon, then he muſt goe to the Clerke of the Extracts to haue ſcedules made of all ſuch iſſues as are pardoned, and they will coſt him for euery ſcedule (as I remember) xx.d. which may come to iiij. or v.li. or thereabouts.

Item to the Clerke of the Extracts man for his paines therein, xiij.s.iiij.d.

Item then to a Baron for allowing of them xiij.s.iiij.d.

Item to the Barons man iiij.s.

And this muſt all goe out of the Sherifes purſe without any allowance: and it is better then to oppreſſe the country when they may be eaſed by the pardon. For if the ſherieſe leute any, he muſt pay it into the receit, or els hee is forſworne.

Then if you carried any priſoners by writ or commandement from the Iudges of aſſiſe you muſt goe to the chiefe Iudge of Aſſiſe for his warrant, and get your allowance vnder his

his hands as good cheape as you can, for some of his men will haue money of you for it, x.s. at the least.

And then when you haue his hand to it, you must goe to the Chancellor of the Exchequer for his hand to it, and his man will looke for to haue for his paines therein taken at the least x.s.

Also in the Alienation office it will cost you for making of the bond and acquitance, with the scedules of seasures against such as haue sold land held of the K. without licence of alienations xl.s.vj.d.

Item for a warrant for a day to finish the Account vntill Mich. terme, which now will hardly bee gotten without extraordinary fauour xl.s.

Item to the Attorney in the Pipe office, for setting off from the Account, sire Amerciaments xx.s.

Item to his man for his paines therein to be taken x.s.

Item paid for discharging of the Amerciaments in M. Osbornes office xx.s.

Item for a warrant to set of, and discharge in sir Hen. Fanshawes office xij.s.vj.d.

Item for another Writ of Assistance, v.s.vj.d.

Item to the Marshall for libertie if the Sherife cannot goe thorow with his account in Trinity terme iij.li. vj.s.viij.d.

Item

Item to his man vj.s. viij.d.
Item to Mast. Osborne for ruling of your petitions xl.s.
Item more to his Atturney in the said Office for making the petitions v.l.
Item to his man for his paines taken therin xl.s.
Item to the Master of the Pipe for his fée xiij.s.iiij.d.
Item to the Controller of the Pype for his fée xxx.s.
Item to his man xxij.s.
Item to your Att. of ỹ pipe for his fée v.li.
Item to his man xxij.s.vj.d.
Item for the Acquittances of two tallies in the receit. ij.s.
Item for striking of those tallies iij.s.iiij.d.
Item for ioyning and allowing of another tally for payment of a debt de remanent compoti v.s.
Item to two Auditors for casting vp of a sherifes account in the court when he is to bée cast out of the court x.s.
Item to the Baron then xx.s.
Item to his men vj.s.
Item to the Marshall then vj.s.viij.d.
Item to the tipstaues and cryers then x.s.
Item to the Clerke of the Pype for Recusants. xxx.s.
Item for allowing and ioyning of the tally for Recusants debts vj.s.

Item

Item to the Baron for respects for Recusants debts, xx.s.

Item to the Clerke of the Pipe for Recusants for allowing of that warrant, x.s.

Item to the Master of the Pipe for the same iij.s. iiij.d.

Item to the bagge bearer, xij. d.

Item for the Quietus est to the sherifes Attorney of the Pipe, iij.li.vi.s viij.d.

Item to his man for his paines taken therein, xx.s.

Item for the Quietus est for the Recusants xx.s.

Cum multis alijs que nunc prescribere longum est. Et sic quietus est.

Summa totalis, &c.

All these summes are paied, besides all his charges and fées which he laies out and disburseth in the yéere that he is the tise, which comes to a great deale more, as experience will teach him.

Returna

Retorna Breuium.

Retorna Summon' Aſſiſas.

VIrtute iſtius precepti mihi directi venire feci coram Iuſticiar infraſc. ad diē & locū infra contēt omnia Breuia Aſſiſarū, Iuratorū certificat in Com S. infraſcript coram quibuſcunque Iuſtic', tā per diuerſa breuia domiñ P. & M nup Regis & Regine Angliæ quā per diuſa breuia domiñ regis nunc, vna cum Pānellis, Attachiamentis, reattachiamētis & omnibus alijs, adminicul' Aſſiſar, Iuratas, & certificationes illas qualitercunque tangēn, venire feci etiam coram præfat Iuſticiar ad Gaolam dicti domiñ regis Caſtri ſui Winton de priſonibus in ea exiſtēn deliberand aſſignand, ad præfat diem omnes priſones in gaola prædicti exiſtēs vna cum eorum Attachiamentis, reattachiamentis & omnibus alijs adminiculis priſones illos qualitercunque tangēn & de vic' cuiuſlibet ville & loci ibidem feloñ vnde ijdem priſones indict' appell' ſiue arreſtat exiſtunt intēfuer tam infra libertates quam extra xxiiij. probos & legal' homines quibus rei veritas melius ſciri poterit & inquiri, Et qui priſoñ ill' nulla affi-

attingunt vna cum quatuor hominibus & preponit ville & loci eorū ad faciend ea quæ tūc ibidem hijs ex parte domini regis nunc iniung. publice etiam proclam feci per totam Balliuam meam quod omnes illi qui sequi voluerint vers. prison. illos q tunc sint ibi vers. eos put iustum fuerit prosecut Scire feci etiā omnib' coron Iustic' pacis seneschalis dnor magnat & balliuis libertat & hundr com prædict quod tunc sint ibm cum rotulis record indictamēt & alijs memorand suis ad faciend ea quæ ad officia sua pertin' prout interius mihi præcipitur.

Resid execution istius pcepti patet in quibusd scedulis huic precepti annexat.

R.O. Ar. Vic'.

And the warrants which the Sherife muſt make by vertue of this Precept for the ſummoning of the Aſſiſes to the bailifes of Liberties, and Bailifes of Hundreds muſt contain in them the whole ſubſtance of this Precept, but whither it bee in Latine or Engliſh, it is not materiall, ſo that it be in due forme: And it is needeful that the Sherife keepe for himſelfe a particular note of the names of ſuch perſons as hee nominateth in his warrant to bee ſummoned to ſerue in the grand Iurie, and not to leaue it to the diſcretion of Bailifes to put in and out whom they liſt in that ſeruice.

The

The forme of a Warrant.

R Obertus O. Ar Vic' com prædꝯ ball' libertat' de C. vel balliuo hundꝯ de A. ſaluꝫ virt' cuiuſdꝯ ꝓcepti mihi direct' tibi mãdo q̃ veñ facias cor̃ L. T. & L. H. Iuſtic' Aſſiſas in comitatu prædict' ad aſsiſas apud Caſtrum Wintoñ decimo die Auguſti proxim̃ tenend' ſeperal' perſoñ ſubſcript' ad faciend' ea que tũc & ibidem ex parte Domini regis nunc eis iniungetur publice etiam proclam̃ facias ꝓ totam balliuam tuam quod omnes illi qui ſequi voluerint verſus priſones in gaola Domini regis comitatu prædict' quod tunc ſint ibi verſus eos prout iuſtũ fuerit proſecutur̃ Scire facias etiam omnibus coroñ juſtic' pacis ſeneſchalis dominorum & magnat' quod tunc ſint ibi cum rotulis recordis indictamentis & alijs memorandis ſuis ad fac' ea que ad ſeperal' officia ſua pertinẽt, Et quod tuipſe ſis adtunc & ibidem ad faciendum omnia ea que ad officium tuum pertinent vna cum hoc ꝓcept' ſub periculo incumbent' dat' ſub ſigillo officij mei tali die & anno, &c.

R. O. Ar. Vic'.

When here at the end of the Warrant vnder, the Sherife muſt ſet downe the names and dwelling places of ſuch as hee will haue

warned to serue in the grand Iurie in particular, and kéepe a note of them, that hee may be able to shew to the Court, if néede shall require, who he had determined to haue returned for that seruice if they had come, and if the fault fall out to be in the Baylife, then hee shall be punished, and the Sherife excused.

Retorna summ' Sessionem pacis.

VIrtute istius breuis mihi directi venire feci coram Iusticiar infrascript apud castrū Wintoñ infraspecificat die anno & loco infracontēt omnes Constabularios & Balliuos hundred infra Comitat specif. necnon de quolibet dictorum libertatum & Hundred viginť quatuor Iuratoř ad faciend ea quę eis ex parte Domini regis adtunc & ibidem injungentur, ac etiam scire feci omnibus Constabularijs & Balliuis Hundred Comitat infrascript quod tunc sint ibi habētes secum omnia nomina artific' laborat & seruent husbandry infra hundred præd vad contra formā statut inde excessiue capiend ac insuper sufficient proclam feci infra Balliuam meam quod omnes ilł qui tam pro Domino rege quam pro seipsis versus huiusmodi artifices labrat & seruient aliquas querelas iuxta formā statuti ordinationis pd conqueri vel prosequi voluerint quod tūc sint ibi bill suas pros. justiciamque ibidem subiter

si

ſi ſibi viderint expediri prout interius mihi precipitur.

R.O.Ar.Vic'.

The Warrant muſt begin in the ſame forme as the other quod venire facias coram Iuſtic' dñi regis ad pacē in com̃ præd̃ apud,&c. omnes Conſtabul',&c. **according to the ſubſtance of the matter contained in the Writ, and to conclude it as the other is concluded.** *South.*

Retorn' dicti breuis aliquando vtitur ſic.

EXecutio iſtius breuis patet in quibuſdam Panellis huic breui conſuet̃ vel annex'.

R.O.Ar.Vic'.

Retorn' breuis original' in debito vel tranſgr' ſi defend' ſit inſufficient'.

Pleg' de proſ. { I.Doo. R.Roo.

Infranominat̃ H.B.& C.D. **and if there be more Defendants than two, then you muſt name but one,**& ceteri def. infra nominat̃ nihil habent in balliua mea per qd ſum̃ poſſint, **if it be debt, but if it be in treſpas, then it muſt be** per qd̃ attach' poſſint, **or** poteſt, **if it bee but againſt one defendant.**

R.O.Ar.Vic'.

Retorn' de capias al' & plur'.

INfranomiuat̃ A.B. non eſt inuent̃ in Balliua mea & ſi ſunt tres tunc ſit & cæteri defendent̃ infranominat̃ non ſunt inuent̃ in balliua mea.

R.O.Ar.Vic'.

Theſe Writs are ſeldome or neuer vſed to be returned by Sherifs, for atturnies do vſe to returne them themſelues, with the leaue and ſufferance or conſent of ſherifs, otherwiſe they cannot iuſtifie the ſetting of the ſherifs name to their Writs.

Retorn' de Exigent.

VIrtute iſtius breuis mihi directi ad comit̃ meũ tent̃ apud caſtr̃ Wintoñ in comit̃ S. infraſcript̃ die Lunæ, videlicet decimo die I. anno regni Domini regis infraſcript̃ xv, infranominat̃ I.C. & ceteri defẽd̃ infranominat̃ (if there be aboue two) primo exacti fuer̃ & non comparuer̃, ad com̃ meum S. ibidem tent̃ die Lunæ, videlicet viceſimo die A. anno prædict̃ prædictus I.C. & ceteri defend̃ infranominat̃ ſecundo exact' fuer̃ & non comparuer̃, ad comit̃ meum S. ibidem tent̃ die Lunæ, videlicet, decim̃ die S. anno prædict̃ præd̃ I. C. & ceteri defend̃ infranominat̃ tertio exact̃ fuer̃ & non com-

comparuer̄, ad com̄ meum S. ibidem ten̄, videlicet, duodecimo die O. anno prædict̄ præd̄ I.C. & ceteri defend̄ infranominat̄ quarto exact̄ fuer̄ & non comparuer̄, Et ad Com̄ meum S. ibidem ten̄ die Lunæ, videlicet tertio die N. anno prædict̄ prædict̄ I.C. & ceteri defend̄ infranominat̄ quinto exact̄ fuer̄ & non comparuer̄, ideo prædict̄ I. C. ceteri defend̄ infranominat̄ p̄ iudicium I.W. & W.R. gen̄ coron̄ dicti dn̄i regis com̄ p̄d̄ secund̄ legem & cons. regni dn̄i nostri regis Ang' vtlagat̄ sunt & quilibet eorum vtlagat' est.

R.O. Ar' Vic'.

Retorna de breui de exigend' cum supersed'.

VIrtute, &c. Ad com̄ meum S. ibidem ten̄ die Lunæ, viz. 10. die A. ann̄ præd̄, præd̄ I.C. quarto exact' fuit & protulit mihi br̄e dn̄i regis de supersed̄ & est huic breui annex', per quod ad executionem istius breuis vlterius faciend̄ supersedi omnino prout mihi in eodem breui præcipitur.

R.O. Ar. Vic'.

Retorn' de exigent vbi vnus reddit se & omnes al' non comparuer'.

VIrtute, &c. Ad Com̄ meum South. ibidem ten̄ die Lunæ, viz. x. die A. predict̄ prædict̄ I.C. & ceteri defend̄ infranominat̄ quinto

exact fuer, ad quē diem prēd I. C. comparuit & ſe reddidit priſon dom̄ regis caſtri ſui Wint̄ cuius quidē corp⁹ cor̄ Iuſtic' infraſcript̄ ad diē & loc' infracont̄ parat̄ habeo, put interius mihi præcipitur ſed ceteri d&f. infrañ non comparuer̄ ideo, &c. vt ſupra.

Languid' in priſona ſuper reddidit ſe.

AD com̄ meum, &c. p̄d I. B. comparuit, & ſe reddidit priſona domini regis caſtri ſui Wintoñ infra com̄ S. p̄d & in eadem priſona modo remanit. languidus varijs infirmitatibus detent̄, Ita quod propter corporis ſui debilitat̄ & mortis periculum carriari non poteſt & ea de cauſa corpus p̄d I. B. coram Iuſtic' infraſcr̄ ad diem & loc' infracont̄ ad preſens habere nō poſſum iuxta form̄ huius breuis.

Retorn. de Exigent. vbi vnus redd. ſe al' profert. ſuperſed. tertius mort. & quartus Waiviat'.

VIrtute, &c. ad Comitat̄ meū S. ibm̄ tent̄ die Lunę, viz. x. die A. anno p̄d, p̄d I.H. S.R. A. C. & D. P. quinto exact̄ fuer̄ & p̄d R.S. ſe reddid' priſona Domiñ regis caſtri ſui Wintoñ in com̄ p̄d cuius corpus Iuſtic' infrac' ad diē & locū infracontent̄ parat̄ habeo ad faciend' id q̄ breui p̄d in ſe exigit. & requirit. Et p̄d D. P. protulit mihi br̄e dom̄ regis de ſuper-

ſed

ſed huic breui annex. ideo quoad eum vlterius ꝓcedere non potui & ꝑd I. H. mortuus eſt & ꝑd A. C. waiuat eſt, ideo p judic' I. W. & W. R coron Dom regis com ꝑd, ꝑd I. H. vtlagat & ꝑd A. C. waiuat eſt.

R. O. Ar. Vic'.

Retorna de allocat'.

ALlocat illi quatuor com ad quos infranominat T. C. exact fuit & non comparuit. Et vltef virtute iſtius breuis ad com men tent apud caſtr Wint in com S. infraſc' die Lunæ viz. viij. die N. anno regni dom regis infraſcr Ang. &c. xv. prædict T. quinto exact fuit & non comperuit ideo per judiciu, &c. vt ſupra vtlagat' eſt.

Retorn' de exigent inter duos vic.'

VIrtute iſtius breuis mihi directi ad comit meu S. tent apud caſtru Winton. die Lunæ, viz. x. die A. ann regni dom regis Ang. &c. infraſc' xv. infranominat R. K. primo exact fuit & non comparuit.

R. O. Ar. Vic.

Iſtud breue prout indorſatur mihi deliberat fuit per R. O. ar vic' com infraſc' prox. predeceſſ. meum in eius exit ab officio, Et ad comit meum South. tent apud caſtrum Winton predict in com præd die Lunæ viz. x. die D. anno

no prædꝯ prædꝯ R. K. ſecundꝯ exactꝯ fuit & non comparuit,&c. vt ſupra.

Et ſi deficiunt coronꝫ ad comꝫ ad reddendꝯ iudic' tunc vic' retornꝫ brīa ſua ſic viz. quod ob defectꝯ I.W.& W.R.coronꝫ domini Regis comitꝯ prædꝯ vlterius ꝓcedeꝝ non potuit, **& then vpon this returne the Coroners will bee fined for euerie Writ, vnleſſe they can make a good excuſe.**

W.R.Aꝝ Vic'.

Retorna breuis de proclam.

VIrtute iſtius breius mihi directꝯ ad Comitꝯ meum South.tenꝯ apud Caſtrum Wint' in Comꝫ South. infraſcꝯ xxj. die Martij, anno xj.infraſcꝯ proclamꝫ feci, Et ad maxime vſuale oſtium eccleſiæ de B. infraſc' ſuper diem dominicūꝫ ſcz.decimum diem April. anꝫ regnꝫ domini regis infraſcꝯ Angliæ,&c. duod', immediate poſt diuinum ſeruic' nulla prędicatiꝫ eadē Eccleſ. adtunc ibidē exiſtens vno menſe ad minus antequam infranomiꝫ W.quinto exactꝯ fuit proclamꝫ feci,& ad generaꝝ Seſsioꝫ pacis tenꝯ apud Caſtrum Wintoꝫ prædictꝯ in comitatu prædictꝯ iij.die Maij, anno xij. ſupradict' in partibus de B.prædict' aꝝ proclamꝫ feci qđ infranomiꝫ A.B.ſe reddat mihi prout interius mihi præcipitur.

Ric.M.Miꝝ Vic.

Retorn'

Retorn' breuis de cap' vtlag' inter duos vic'.

ANte aduenī iſtios breuis I.M.aī nup Vic' Coñ S. cepit infranomiñ T.D. & in priſona domini Regis infraſc' Caſtri ſui Wintoñ in coñ S.præd penes ſe detinuit virtute cuiuſdam breuis dicti Domini Regis de capias vlt' dicto nuper vic' direct quē quidem T.D. dict nuper vic' vna cum dicto breui mihi I.D. mil modo vic' Coñ S.prædict in eius exit ab officio ſuo deliberauit cuius quidem corpus cum breui prædict, ego præfat nunc vic' corā Iuſt. infraſc' ad diē & locum infraconī parat habeo ad faciend & recipiend q̄ dict. brē in ſe exigit & requirit.

R.O. Ar. Vic.

Retorn' breuis original' in particione

Pleg. de proſ. { Iohannes Den. / Richardus Fen.

Sum infranominat R.B. & E. vxori eius. { W.H. / I.F.

R.O. Ar. Vic'.

Retorn' breuis original' in conuentione.

Pleg' de proſ. { I.Doo. / R.Roo.

Sum. infranom. { I.P. / Den. / Fen.

I. O. Ar' Vic'.

Retorn'

Retorn' de sum' in dote.

Pleg. de prof. { I. Doo. / R. Roo.

Sum. infranom. { I. H. / I. W. / W. D.

Et ad ostium Ecclesiæ parochialis de P. vbi infranominat A. B. super diem dominicum, scilicet quarto die Iulij ann̄ infrascript' immediate post diuinum seruicium nulla predicatione adtunc ibm̄ existen̄ publice proclam̄ feci secund̄ form̄ statuti prout istud br̄e in se exigit & requirit.

R. O. Ar. Vic'.

Retorn' de sum' in vaste.

Pleg. de prof. { Iohannes Doo. / Richardus Roo.

Sum̄ infranom̄ { I. P. / Willielm̄ Fen. / Richardus Den.

Et vlterius ego R. O. ar̄ vic' com̄ infrascript̄ Iust. dom̄ regis infrascript̄ certifico quod post sum̄ præd', scz. x. die A. ann̄ infrascript̄ existen̄ die dominico immediate post diuin̄ seruic' in Eccles. parochiali de B. infras. nulla prædicac' adtunc ibm̄ existen̄ apud maxime vsuale ostiū Eccles. parochiali illius infra quā quidē parochiā tent̄ infrascr̄ iacent & existunt, pclam̄ feci

ciſum̃ præd̃ ſecund̃ formam ſtat̃ in huiuſmodi caſu ædit̃ & prouiſ.

R.O. Ar' Vic'.

Retorn' de Pone.

Pleg' de proſ. { Iohañ Den.
Richard̃ Fen.

Infranominat̃ A. B. { Ioh. Den,
Attach. eſt per pleg' viz. { Rich. Fen.

Retorne de petit Cape in Dower.

Virtute &c. tali die & anno cepi in manus domini Regis infraſcript̃ tertiam partem tenementor̃ infraſpec' cum pertiñ prout interi⁹ mihi precipit̃.

R.O. Ar' Vic'.

Retorn' Breuis de viſu in dower.

Iuſtic' infraſcript̃ certifico quod virtute iſtius breuis mihi direct̃ hab' feci infranominat̃ A.B. viſum de tertia parte tenementorum. infraſpec' in præſenti N.C. R.D. W.B. & C.D. quatuor Milit̃ ex illis qui Vic' ill' interfuerunt. Et vlterius certifico quod dixi quatuor Milit̃ præd' quod ſint coram Iuſtic' infraſcript̃ ad diem & locum infra content̃ ad teſtificand̃ viſum illum prout per breue pred̃ mihi præcept̃.

R.O. Ar' Vic'.

Retorn'.

Retorn' de ſum' de Aſſiſas.

Pleg. de proſ. { I.Doo. R.Roo.

Infranominat̄ W.L. nihil habet in balliua mea per quod Attach. poteſt nec eſt inuentus in eadem.

Alit' vbi eſt Attach.

Infranominat̄ W.L. Attach. eſt per vnam vaccam pretij xxx. s̄.

If the partie appeare not, his Cow is forfeit, and the ſherife ſhall be anſwerable for the value, and therefore he had néd either to kéepe the goods attached, or elſe to haue ſecuritie to be ſaued harmeleſſe therein.

Reſid̄ executionis iſtius br̄is patet in quodā Panello huic br̄i annex'.

R.O. Ar. Vic'.

Nomiñ recogñ Aſſiſe noue diſſeiſiñ int̄ M. C.qu. & T.C. tenēt̄ A.B.C.D.&c.

M. Sum̄ regogñ præd̄ & eorum cuiuſlibet { I.H. R.S.

Retorn' ſum' Mil' Parliamenti.

Virtute iſtius breuis mihi direct̄ ſum̄ feci A. B. Milit̄ vnum Mil' de com̄ meo gladio cinct̄ p̄ B.T. & C.R. q̄ ſit cor̄ Iuſtic' infraſ. ad diem

&

& locum infracontent̃ prout iſtud br̃e in ſe exigit & requirit.

F.P. Mil. Vic.

Retorn' de ſum' Parliamenti.

Executio iſtius breuis patet in qnibuſdã Indenturis huic breui annex'.

Infranominat̃ { Iohannes Doo. / A.B. { Richardus Roo.

Exit̃. ——— xx. s.

F.P. Mil' Vic'.

Retorn' de ſum in Attaint'.

Pleg' de proſ. { Iohañ Den. / Richard̃ Fen.

Sum̃ infranom̃ { I.N. / Iohañ Den. / Richardus Fen.

Reſid̃ executionis iſtius breuis patet in quodam panello huic breui annex'.

R.O. Ar' Vic'.

Nomina viginț & quatuor milit̃. Le panel.

Richardus M. de N. Ar̃.

T.B. de A. Ar̃, &c.

Sum̃ Iur̃ prædict̃ H.H.

S.S. Le potit Iuri.

Nomina Iur̃ primæ Inquiſitionis in breui huic panello annex' ſpec'.

E.M. geñ.

H.E. geñ, &c.

Pleg'

Pleg' predict Iur̄ primæ Inquisitionis. } Thomas Pit. } Willelm̄ Fitt.

Retorn' de resummon'.

Executio istius breuis patet in quadam scedula huic breui annex'.

R. O. Ar' Vic'.

Nomina Iur̄ Iur̄ xxiiij. Milit vnde in breui huic scedul' annex' fit mea.

R. M de N. Ar̄.

T. B. de M. Ar̄ &c.

Quilibet Iur̄ Iurem xxiiij. Milit prædict' seperatim resum̄ est per H. R. & M. N. bonos sum.

R. O. Ar. Vic'.

Retorn' de accedas ad Cur'.

Virtute istius breuis mihi direct' in forma infrascript̄ & in plena Cur̄ ill' recordari feci loquelam infrascript̄. Et recordum illud prout patet in scedula hic huic br̄i annex' habeo cor̄ Iustic' infrascript' ad di& & loc̄ infra content̄ sub sigillo meo & sigillis I. B. &c. quatuor proborum & legalium hominum de balliua mea ex illis qui record̄ ill' interfuer̄. Et partibus infrascript̄ diem illum prefixi quod tunc sint ibi in loquel' ill' ꝓut iust̄ fuerint ꝓsecutur̄ ꝓut interius mihi præcipit̄.

R. O. Ar̄ Vic'.

The

The ſtile of the Court Alton̄.

Richardus T. miles ibidem tenᵗ xxx. die Marcij, añ, &c. recitand̄ le ſtile del roy.

I. S. queritur verſus W. W. d̄ pl̄ captiõ & iniuſte detentiõ aueriorum ſuorum.

The Bayliffes returne of his Warrant to the Sherife.

Virtute iſtius præcept̄ mihi direct' accept̄ meeuu R. S. &c. quatuor diſcret milit̄ Hund̄ de A. prædict̄ acceſſi ad Cur̄ R. T. milit̄ & recordar̄ feci loquelam que eſt in eadem Cur̄ inter I. S. quer̄ & W. W. def. Et record̄ illud par̄ habeo ſub ſigillo meo & ſigillis præd̄ quatuor Milit̄ eiuſdem cur̄ ex illis qui record̄ ill' interfuer̄ & partibus prædict. eundem diem prefixi p̄out mihi precept̄ fuit. In cuius rei teſtimoñ tam ego R. F. balliuus hundred̄ præd̄ quã p̄d̄ R. S. &c. 4. legal' milit̄ hund̄ p̄d̄ p̄ſent̄ figilla nr̄a appoſuimus.

R. O. Ar̄ Vic'.

Retorn' de Recordare.

Virtute iſtius breuis mihi direct̄ in pleno com̄ meo tent̄ apud Caſtrum Wintoñ in com̄ Southampt̄ infraſcr̄ tali die & anno recordari feci loquel' vnde interius fit mentio quæ quidem

dem loquela patet in quadam ſcedula huic bꝛi annex'. Et recordum illud habeo coram Iuſtic' infraſcript ad diem & locum infra content ſub ſigillo meo & ſigillis W. H. E. R. &c. quatuor proborum & legalium Milit eiuſdem com ex illis qui record ill' interfuer & ptibus infraſcript diem ill' prefixi qd fuit ibidem in loquela ill' ꝓut iuſtum fuerit ꝓſecutur ꝓut interius mihi precipitur.

Reſid exec' iſtius bꝛis patet in quadã ſcedula huic breui annex'.

R. S. q̃ritur verſus T. E. de placito captiõ & iniuſte detentionis auerior ſuorum.

R. O. R. Vic'.

Retorn' de fieri feci ſur fieri fac'.

Virtute iſtius breuis mihi direct fieri feci de bonis & catallis infranominati I. H. quãdã Dimiſſiõ & conceſſionẽ eidem I. H. per quẽdam T. G. gener per Indentur ſuam fact pro termino xxxj. annorum incipiend a primo die Iulij, Anno, &c. infraſcript ſecundo prout per Indenturam illam gereñ dat eiſdem die & anno plenius liquet, & apparet de & in vno meſuagio ſiue firma cum pertinentijs ſcituat iacent & exiſtentia in L. in parochia de F. infra balliuam meam vocat ſiue cognit per nomen de B. ſi nul cum omnibus & ſingulis terr pratis paſcuis boſcis ſubboſcis aquis & paſturis cum omnibus ſuis pertinentijs ſcituat iacẽ

cen̄ & exiſten̄ infra vill' paroc̄ſt. & campos de F. predict̄ & O. ſcilſcet in ball' mea. Et predic'. Dimiſſionem' ac omne & totum ins ſtatutū titulum terminum annorum poſſeſſionem & demand̄ quæ prædict̄ I. H. modo habet de & in prædict̄ præmiſſis virtute ſiue vigore eiuſdem Dimiſſionis & conceſſionis aut aliter vēditionē expoſui & vendidi cuidam P. H. generoſ. pro ſumma lxxvj. libr̄ xiij. s. iiij. d. Ac etiam fieri feci de alijs bonis & catallis prædict̄ I. H. ad valenciam lxv. lj. vj. s. viij d. quas quidem denar̄ ſummas ſic in form̄ p̄d̄ p me leuat̄ in toto ſe attingunt ad ſum̄ Cxxxij. li. xij. d. Et eaſdem ſummas coram domin̄ rege ad di'ē & locū infracon̄ parat̄ habeo ad reddend̄ intranom̄ E. P. & I. vxor̄ eius in p̄te ſatiſfact̄ dāpnorū infraſcript̄ prout p br̄e iſtud interius mihi precipit̄. Et q̄d̄ præd̄ I. H. nulla alia ſiue plura bona aut catall' in balliua mea habuit vnde reſid̄ p̄d̄ debit̄ 165. li. 6. s. 2. d. fieri ſiue leuar̄ poſſum ſecund̄ exigens huius breuis.

R. O. Ar' Vic'.

Aliter ſur nihil habet.

Infranom̄ R. B. mil' null' habet bona ſeu catall' terr̄ aut ten̄ement̄ in balliua mea vnde denar̄ infraſpec' fieri facere poſſum prout interi' mihi precipit̄.

R. O. Ar̄ Vic'

Aliter ſur fieri facias execut' & venditionꝰ expoſuit'.

Virtute iſtius breuis mihi directi fieri feci de bonis & catall' terr & tenement infranom R.B, ad valēc' CC l. & illis de die in diē venditionꝰ expoſui & inde vendidi ad valenc' C. li. quas quidem centum libr ad diem & locum infracontēt parat habeo ad reddend infranominat I.W. put interius mihi precipit, Et reſid bonor & catall' pd adhuc penes me remanent inuendit ob defect' emptorum.

R.O.Ar Vic'.

Retorn' de Tarde.

Iſtud br adeo tarde mihi deliberat fuit, Ita q propter tēporis breuitat exequi non potui put iſtud breue in ſe exigit & requirit.

R.O.Ar'Vic'.

Retorn' ſpeciall ſur habeas corpus.

Ego R.O.Ar Vic' com S.domino Rege ad diem & locum in breui huic ſcedull annex' content certificoqd ante aduent eiusd, breuis A.O. in dict breui nomin capt fuit infra com pd p W.V. ar nup vic' com pd & in priſ. dict dom regis Caſtri ſui Winton in comitatu predict ſaluo cuſtod eiusdem nuper vicec' detent

virtute

virtute cuiuſdam breuis dicti dom̃ regis de capiend̃ verſus dict. A. gener̃ teſte apud Weſtm̃ nono die Oct. anñ regni, &c. & returñ coram Iuſt. dicti dñi regis apud Weſtm̃ die ſancti Martini quind̃ dies tunc prox' ſequen̄ ad ſatisfaciend̃ T.D. gener̃ tam de quodam debeo xl.li quam de xxx.s. pro dampnis vnde idem A. corā p̄f. Iuſtic' apud Weſtm̃ conuictus fuit, cuius quidem A. corpus ſic capt̃ & in priſona p̄d̃ ſub cuſtod̃ dicti nup vic' ea occaſione exiſten̄ detent̃. Ego p̄f. R.O. nunc vic' com̃ præd̃ recepi de p̄d̃ nup vic' in eius exitu ab officio ſuo & corp⁹ eius per me de prefat̃ nup vic' ſic recept̃ in priſon̄ præd̃ ſaluo cuſtod̃ feci quouſque poſtea ſcz. decim̃ die Decemb. anñ, &c. recepi quod d̃ breue dict. dñi regis de ſupſed̃ mihi direct. cuius quidē breuis tenor̃ ſequit̃ in hæc verba. Iac. &c. virtute cuius quidē breuis de ſupſed̃ pro eo qd̃ non fuit aliqua cauſa detention̄ p̄d̃ A. dict̃ A. ad largū ire. pmiſi dict̃ breue de capiend̃ ad ſatisfacind̃ in aliquo non obſtante prout per dict̃ br̃e de ſuperſed̃ mihi inde p̄cipitur ideo corpus p̄d̃ A. corā præfat̃ dom̃ rege ad diē & locū in dict. breui huic ſcedul' annex. content̃ parat̃ hēre non poſſ. prout idē br̃e in ſe exigit & requirit.

R.O. Aſſ Vic'.

Alias.

Ante aduent̃ iſtius breuis mihi direct. infranomiñ H.H. commiſſus fuit Gaolæ dom̃ regis Caſtri ſui Winton̄ in com̃ infraſcr̃ ſub cuſtod̃

mea virtute cuiuſdam warr̃ F.C. & I.W. duor̃ Iuſt. dict' dom̃ regis ad pacem in com̃ prędict̃ conſeruand̃, necnon ad diuerſ. feloñ ad trāſgr̃ & al' malefact̃ in eodē com̃ ꝓpter audiend̃ & terminand̃ aſſigñ gereñ dat̃ tertio die. A. añ infraſcr̃ pro quibuſd̃ tranſgr̃ & contempt̃ contr̃ formā ſtatui pro pudicione vacabund̃ & pro pauper̃ & impotenc' ędit & hæc eſt cauſa captionis & detentionis ipſius H. corpus tamē ꝓd̃ H. ad diē & locū infracōtent̃ parat̃ habeo, ꝓut interius mihi præcipit̃.

R.O. Ar' Vic'.

Alias.

Ego R.O. Ar̃ Vic' com̃ S. Iuſt. infraſcr̃ certifico q̄ corpora R.T. & ceter̃ def. infranomiñ p me non capt̃ fuer̃ ſed per W.V. Ar̃ nu p vic' com̃ ꝓd̃ ꝓdeceſſ. meum & mihi p ipſum minime deliberat̃ in exit̃ ab officio ſuo. Ideo corpora eorū̃ corā Iuſtic' infraſcript̃ ad diē & locum infracontent̃ habere non poſſum, ꝓut interius mihi præcipitur.

R.O. Ar̃ Vic'.

Aliter ſur languidus.

Iuſtic' dom̃ regis certifico qd infranomiñ I.B. adeo languidus in priſona domini regis Caſtri ſui Wintoñ in com̃ South. varijs infirmitat̃ detent̃. Ita q̄ ꝓpter corporis ſui debilit̃ & mortis periculum ipſum tute remouere non poſſum

poſſum ideo corpus eius coram Iuſtic' infraſc' ad diem & locum infracontent̃ ad preſens habere non poſſũ iuxta formam huius breuis.

R.O.Aſ̃ Vic'.

Alias.

Ergo R.O.Aſ̃ Vic' comitat̃ S.domino regi certifico quod corpus infranomiñ R. T. iacet ſub ſaluo cuſtod̃ mea in executione ad ſe&' T. B.pro C.li. ret̃ coram Iuſtic' domiñ regis apud Weſtmoñ a die ſanct̃i Michaelis in vnũ menſem ideo corpus eius ad diem & locũ infracontent̃ habere non poſſum prout interius mihi præcipitur.

R.O.Aſ̃ Vic'.

Retorn' de mandato balliuo libertatis.

Virtute iſtius breuis mihi directi mandaui balliuo libertatis Thome Epiſcopi Wintoñ ad capiend̃ & arreſtand̃ infranomiñ I.S. in forma infraſcript̃ qui plenum habet retorñ omnium breuium & preceptorum & executionum eorundem infra libertatem prædict', Ac quod nulla execuc' iſtius breuis per me fieri poteſt infra eandem libertatem qui quidem balliuus nullum mihi ad hunc dedit reſponſum, vel ſic, qui mihi reſpondit qd̃ infranominat̃ I. S. non eſt inuentus in ball' ſua, vel ſic, quod cepit corpus infranom̃ I.S. cuius quidẽ corpus ad diem & locum infracontent̃ parat̃ habet ad fac' ea

omnia que iſtud bre in ſe exigit & requirit.

R.O. Ar. Vic'.

Retorn' breuis de reſtitution'.

Virtute iſtius breuis mihi direct tali die & anno, &c. infraſcript tent infraſcript cum pertin reſeiſiui & infranominat T. & H. plenam poſſeſſion & ſeiſin inde reſtitui prout interius mihi præcipitur.

R.O. Ar' Vic'.

Retorn' de habere fac' poſſeſſion' cum fierifac.

Virtute iſtius breuis mihi direct viceſimo quarto die Maij anno infraſcript habere feci infranominat H.H. poſſeſſionem termini ſui infraſcript de tenementis infraſcript cum pertinen, Ac etiam fieri feci de terris & catall' infranom W.W. xx.s. pcell' dapnorū infraſ pec' & denarios illos habeo cor Iuſt. infraſcr ad die & locū infraconſt ad reddend pref H.H. ,put interius mihi præcipitur.

R.O. Ar Vic'.

Retorn' breuis de ſeiſin'.

VIrtute iſtius breuis mihi directi xxvj. die O. anno infraſcript habere feci infranom N.S. plenar ſeiſin de & in tenemētis infraſpec

cum

cum ptiñ prout interius mihi precipitur.

R.O.Ar'Vic'.

Retorn' breuis de ſeiſina in dote.

Execut iſtius breuis patet in quadã Scedula huic breui annex'.

IVſtic' domini reg. certifico qd virtute breuis domini regis mihi directi & huic ſcedul' annex decim die A. anno, &c. habere feci P. B. vid in breui prædict nominat plenar ſeiſin de tertia parte manerij de B. cum pertinentijs in eodem breui ſpecifie' viz. de vna aula & coquina de duobus ſpacijs in tenura dict I. cum libr ingreſſus & regreſſus ad & abeaſdem, necnon ſuperiori part domus manſionat in tenura E.C. ab introitu verſ. Auſtral', Ac de vno clauſo ſeperali vocat' H. coutinen per eſtimat quinque acr ac de quatuor acr paſtur iacen in borial' fine, vnius clauſi voc' B. & de vna acr paſtur voc' C. in breui pred ſpec. tenend pref. P.B. in ſeperali per metas & bondas nomine totius dotis ipſius P. ipſam P. contingen de toto manerio in dicto bri ſpec' prout p breue pd mihi precipitur.

R.O.Ar Vic'.

Retorn' de venire fac'.

Executio iſtius bris patet in quoda pannell' huic breui annex'.

R.O.Ar Vic'.

A.B.

Le pannell. A.B.de E.gen & ſic xxiij,al'.
Quilibet Iur̄ pred̄ per ſe } Ioh.Doo.
ſeper̄ Attach.eſt. per Pleg. } Rich Roo.

R.O.Ar̄ Vic'.

Retorn' diſtr' Iur'.

Executio iſtius br̄is patet in quodā pannel' huic breui annex'.

Le pannell. M.Iur̄ prædict̄ & eo- } Ioh Doo.
rum cuiuſlib. } Rich Roo.
Exit̄ eorum cuiuſlib.--x.s.

R.O.Ar' Vic'.

Retorn' de Ca. ad ſat'.

VIrtut̄ iſtius breuis mihi direct' cepi corpus infranominat̄ A.B. cuius quidem corpus corā Iuſtic' infraſcr̄ vel coram dom̄ reg. ad die̅ x locum infraconi̅ par̄t.habeo ad ſatisfacien̄ infranominat̄ C.D. de debit̄ & dampnis infraſpec' prout interius mihi p̄cipitur.

R.O.Ar̄ Vic'.

Retorn' de Elegit.

Executio iſtius breuis patet in quadam Inquiſ.huic breui annex'.

Inqui-

INquiſic' Indentat capt, apud B. in Com pd x. die I. anno, &c. coram me R. O. Ar Vic' com pred virtut breuis dom regis mihi direct & huic Inquiſic' annex' per ſacram T. B. &c. & ſic xij. plur ad minus, Qui dicunt ſuper ſacrament ſuum quod B. C in breui pred nominat tali die & an, &c. fuit ſeiſit in dnico ſuo vt de feodo de & in vno meſuagio voc', &c. cum pertinen iacen. & exiſten in ciuitat Wint p-dict modo in occupatione A. G. vid clari annui valoris in oib' exitib' vltra repriſ. xl. s. Ac etiã de & in vno gardino cum ptin voc', & c in ciuitat & comit pd clari annui valoris in omnib' exitibus vltra repriſ. xx. s. Ac etiam de & in vno alio meſuagio cum pertinen in comitat & ciuitate prædict' ſcituat, iacen, & exiſten prope templũ ibid voc' ſaint Clem. Church nuper terr cuiuſdam R. A. defunct' modo in occupatione B. C. vel aſſign ſuorum ſimul cũ omnibus gardinis & edificijs eidem meſuagio ſpectan ſiue pertinen clari annui valoris in omnibus exitibus vltra repriſ. v. li. Ac etiã de & in vno alio meſuagio vocat, &c. in ciuitate & comitatu prædict in tenura prædict' B. C. clari annui valoris in omnibus exitibus vltra repriſ. decem ſolid, quę omnia & ſingula pred B. C. nuper perquiſiuit ſibi & hæredibus ſuis de quibuſdam N. S. & Al'vxor eius vnius filiarũ E cohered pred R. G. Qd quidem meſuag' in tenura pred B. C. vna cũ gardino eidem meſuagio iacen & ſpectan cum omnib' & ſingul

ſuis

ſuis pertineñ pro medietat̃ omnium terr̃ & tenementt̃ præd̃ ego præfat̃ vic' deliberari feci R. S. in breui prædict̃ nominat̃ tenend̃ ſibi & Aſſignẽ ſuis iuxta formam ſtatui inde prouiſ. vt liber tent̃ ſuum quouſque debium ſuum C.l. vna cum xv.s. pro dampnis ſuis in breui præd̃ mentionat̃ plenar̃ inde leuauer̃ prout breue p̃dict̃ in ſe exigit & requirit, Et vlteri' Iur̃ prædict̃ ſuper ſacramentum ſuum prædict̃ dicũt quod prædictus B. C. nulla alia ſiue pluria habet ſeu die recogñ deb. prædict' habuit bona aut catall' tere̅ ſiue tent̃ in comitatu prædicto ad eorum noticiam. In cuius rei Teſtim̃ tam ego prefat̃ vic' quam Iur̃ prędict' huic inquiſ. ſigilla noſtra alternatim appoſuimus die A. & loco ſuprad̃, &c.

R. O. Ar̃ Vic'.

Retorn' de extent.

Virtute iſtius breuis mihi dire&' cepi corpus infranominat̃ W. W. cuius quidẽ corp' ad diẽ & locũ infraçontent̃ parat̃ habeo, put intent̃ mihi precipitur.

Reſid̃ execut̃ iſtius breuis patet in quadam Inquiſic' huic breui annex'.

R. O. Ar. Vic'.

INquiſic' Indẽtat̃ capt̃ apud ciuitat̃ Winton̄ in com̃ prædict̃ xij. die Ianuarij an̄, &c. coram me R. O. Ar̃ Vic' comitat̃ prædict̃ virtut̃ breuis

breuis dom̃ regis mihi direct' & huic Inquis. annex. per sacrament̃ T. B. &c. vt supr̃, Qui dic' super sacramentum suum quod W. W. Ac in breui prædict̃ nominat̃ die recogñ deb. In eodem breui spec' fuit seisit̃ in dominico suo vt de feodo de & in manerio de A. Com̃ prædict' clari annui valor̃ in omnibus exit̃ vlt̃ repris. C. li. Ac de & in manerio de C. in com̃ predicto clari annui valor̃ vlt̃ repris. C. li. Et vlterius Iur̃ prædict̃ super sacramentum suum predict̃ dic' qd̃ pred̃ W. W. die recogñ deb. prædict̃ seu vnquam postea nulla habuit bona seu catall' neque al' siue plur̃ terr̃ sine tenț in com̃ predict' ad eorum notitiam quod extend̃ appreciari aut in manus dict' dom̃ Regis cepi aut seisiri possint. Quæ quidẽ maneria terr̃ & tenț prædict̃ cum pertinẽ ego præfat̃ vic' die captiõ huius Inquisitionis cepi in man' dict̃ domini regis per extent̃ prædict̃. In cuius rei T. sisi, tam ego præfat̃ vic' quam Iur̃ prædict̃ huic Inquis. si. illa nostr̃ alternatim apposuim' die anno & loco supradict̃, &c.

R. O. Ad' Vic'.

Return' de recogn' extra Cancellar'.

Executio istius breuis patet in quadam Inquis. huic breui annex'.

INquis. &c. vt supr̃ qui dic' super sacram̃ suũ qd̃ E. M. in breui p̃d̃ nominat̃ die capt̃ huius Inquis. fuit possessionat' de diuersis bonis

&

& catallis ſequen viz. de frument vocat Rye ad valenc' 10.s. de hordio ad valenc',&c. & de quibuſdam vtenſillijs vocat Houſhold-ſtuffe ad valenc',&c. Quæ quidem bona & catalla ego prefat vic' liber feci præfat R. per præc' prædict prout per breue præd mihi precipitur. Et vlterius Iur præd ſuper ſacrament ſuum pd dic' q pd E. die recogn deb. in eodem bri ſpec' ſeu vnquam poſtea nul' alia ſiue plura habuit bona aut catall' terr neq; tēt in com pred que R.W. in eodē bri nom libi fac' poſſum. In cuius rei Teſtim,&c. vt ſupra.

R.O. Af Vic'.

Return' de breue de vaſt.

EVecut iſtius breuis patet in quadā Iuquiſ. huic breui annex'.

South. INquiſ.&c. Qui dic' ſuper ſacrameetum ſuū pred quod H.A & I. vxor eius in dicto bri nominat fecer vaſtum venditione & deſtructionem in omnibus in eodem breui ſpec'. viz. permittend vnam aulam præcij 40.s. duas cameras præcij 3.li. vnum ſtabilum præcij viginti ſolid eſſe diſcoopertum pro defect' reparation earundem domorum & per tempeſtates pluuiales ſuper ill' deſcendent deuener putridum & corruptum,&c. contra form prouiſionis in eodē breui cōtent, Et vlt Iur prædict ſuper ſacram ſuum præd dic' quod pd A. & I. aliud neque pl' vaſtū venditiō ſeu deſtruct-

onem

onem fecer̃ in domibus prædict̃. In cuius rei Teſtim̃,&c. vt ſupr̃.

R.O.Ar̃ Vic'.

Retorn' breuis ad inquir' de damphis in dote vbi tenens obijt ſeiſitus.

Executio,&c. vt prædict' eſt.

Inquiſitio,&c. Qui dic' ſuper ſacram̃ ſuum quod infranominat̃ W.K. quinto die Ianuarij anno,&c. apud K. in dom̃ prædict̃ obijt ſeiſit̃ in dominico ſuo vt de feodo de & in tenemẽtis infraſpec', Et quod tenẽt prædict̃ ſunt clari annui valoris in omnibus exitibus vlt̃ repriſ. 20.s. Et quod ſex anni & tria quateria vnius anni delabuntur, a tempore mortis prædict' W.K. Et quod infranom̃ I.D. ſuſtinuit dampna occaſione dotis ſuæ infraſpec' ad valenc' xl. In cuius rei Teſtim̃,&c. vt ſup̃. South.

R.O. Ar. Vic'.

Aliter in tranſgr'.

Executio, vt ſupra.

Inquiſitio.&c. Qui dic' ſuper ſacram̃ ſuum quod W.B. in diſto breui nominat̃ ſuſtinuit dampn occaſione tranſgr̃ in eodem breui ſpec' ad 20.s. & pro miſ. & cuſtagijs ſuis per ipſum circa ſecut̃ ſuam in illa porr̃e apponit̃ 20. s. In cuius rei Teſtim̃,&c. South.

Retorn'

Returna de ſcire fac' ſcire feci.

VIrtute iſtius breuis mihi direct' per A.B. & C.D. probos & legales hoēs de balliua mea ſcire feci infranomiñ A.D. quod ſit corā Iuſtic' dom̄ Regis, vel coram dom̄ Rege, vel coram Baron dom̄ regis, ad diem & locum infra contenē ad oſtendend' & ꝓponend' ſi quid pro ſe hēt, vel dicere ſciat quare, &c. according to the matter contained in the Writ, prout interius mihi præcipit'. *R.O.R. Vic'.*

Return. de nihil ſuper ſcire fac'.

INfranomiñ A. B. nihil habet in balliua mea per q̄ ei ſcire facere poſſum neq; eſt inuent' in eadem.

Return' de deueſtauit verſus exec'.

VIrtut' iſtius breuis mihi direct' cepi in manus meas diuerſa bona & catalla que fuerunt infranomiñ H.S. tempore mortis ſuæ in manibus infranominat' R.O. & K. vxoris eius exec' teſt. prædict' H. adminiſtrand' exiſtēn ad valenc' 3 li. parcel' deb' infraſcr̄ que quidem bona & catall' remanent' in cuſtodia mea ꝓ defectu emptorū, Et vlterius Iuſt. infraſcr̄

certifico

certifico quod prædict̃ R. O. & K. diuerſa bona & catalla quæ fuer̃ p̃dict̃ H. tẽpore mortis ſue ad valenc' reſid̃ deb. & dampn̄ infraſpec' vendiderunt, & denaſtauerũt & denarios inde prouenien ad vſus ſuos proprios conuerter̃, Ita quod reſid̃ deb. & dampn̄ infraſpec' de bonis & catallis eiuſdẽ H. S. leuari ſeu fieri facere non poſſum. Et vlterius Iuſt. p̃d certifico quod predict̃ R. O. & K. vtor eius nulla habẽt bona ſeu catalla de bonis & catallis ſuis proprijs in balliua mea vnde reſid̃ deb. & dampn̄ infraſpec' aut aliquam inde parcell' fieri facere poſſum prout interius mihi precipitur.

Return' de repleuin ſur return' habend' anteriorum.

VIrtute iſtius breuis mihi directi deliberari feci infranom̃ I. B. auer'a que T. M. cepit & eidẽ T. M. in cur̃ dom̃ regis adiudicat fuer̃ p̃ut interius mihi præcipitur.

R. O. Ar. Vic'.

Return' de auer'a elong' ſur Second deliuerance.

ANte aduentũ iſtius breuis auer'a infraſcr̃ p̃ infranom̃ T. C. elongat̃ fuer̃ ad loca mihi ignot', Itaq; vic'. eorund̃ infranom̃ H & T. H return̄ habere nõ potui p̃ut inter̃ mihi pcipit

R. O. Ar̃ Vic'.

Retorn' de Withernam.

VIrtute iſtius breuis cepi duas ollas erreat duas pattell' erreas &c. de bonis & catallis I.H. in iſt. breui nom̃ in Witherna & ea W. B. infranom̃ deliberari feci habend eidē W.B. quousq; præd I.B. catall' præd W.B. deliberar̃ voluer̃ prout br̃e iſtud in ſe exigit & requirit, Et vlterius vobis certifico q. p̃d I. H. in iſto br̃i nom̃ null' habet alia bona neq; catall' q̃ in witherna capi poſſint aut per que Attac. poteſt iuxta tenorem huius breuis.

R.O. Ar̃ Vic'.

Retorn' breuis collect' xv. & x. extra Scacc'.

VIrtute iſtius breuis mihi directi ſcire feci infranom̃ A.B. Ac etiam que ex pte dom̃ regis fierint dedi in mandat̃ qd p̃d A.B. circa leuacionē & collectionē ſexte quintedecime & decime ſex integrar̃ quintedecimar̃ & decimar̃ infraſcript̃. Ac obligac' ſcd̃m formam ſtat. infraſcript̃ p̃d A.B. oſtendi feci ipſum ex parte dom̃ regis ſigillandū & vt fact' ſuum ad vſum eiuſd̃ dom̃ regis deliberād, ſcz. dedi in mādat̃ ſed p̃d A.B. omnin̄ eand̄ ſigillar̃ vel circa collect' p̃d intēdere recuſauit & adhuc recuſat in contemptus dicti Domini Regis ideo eandem obligationem ad diem & locum infra content̃ habere non poſſum prout interius mihi præcipitur

cipitur. Et vlterius certifico quod ſcire feci infranominat C.D. quod ipſe circa leuationē & collectionem dict' ſexte quintedecime & decime predict ſex integrarum quintarū decimarū infraſcripte diligenter intendat, Et obligationem ſecundum formam Statuti infraſcript ab eodem C.D. recepi & eandem in Scacc. dicti domini regis ad diem infracontent certifico prout interius mihi præcipitur.

R.O. Aſ Vic'.

The returne of a wood Writ in the Exchequer.

BAroñ infraſcript certifico quod P. M.L.S. & T.W. in ſcedula huic breui annex' nominat nulla habēt bona ſeu catalla terr ſiue tenement infra balliuam meam vnde ſeperalia debit ſuper ipſos & eorum cuiuſlibet imponit fieri facere poſſum ſed virtute iſtius breuis mihi directi fieri feci de bonis & catallis H.L.T. K. & I.B. indict. ſcedula nominat ſeperal' ſumas ſuper ipſos & eorū quilibet onerat & denarios ill' coram Baroñ infraſcript ad diem & locum infracontent parat habeo prout interi' mihi præcipitur. Et vlterius certifico quod I. B. E.A. & W.B. in dict ſcedula nominat alegauer ſe habere exoner actiones pro ſeperal' ſumis ſuper ipſos & eorū quilibet onerat & pro eo accepi ab eis ſufficien ſecurit & pfixi eis

diem eſſendi hic ad ſcaccariū dñi regis infraſcr̄ ad diem & locū infracontent̄ prout interius mihi præcipitur.

R.O.Ar.Vic'.

Retorn' breuis de reſpect' homag' al. diſtringas in Scaccario.

M. infranominat̄ A. B. { I.Doo. / Rich.Roo.

Exit ——————— xx.s. Dꝛ accoꝛding to the value of the land moꝛe oꝛ leſſe.

R.O.Ar'Vic'.

Retorn' de Seaſur' in Scaccar' nomine diſtrictionis.

VIrtute iſtius breuis mihi direct̄.xx die Ma. Anno regni domini regis infraſcript̄ decimo quinto, In manus domini Regis, manerij de S. infraſcript̄ cum pertineñ in S. in com̄ infraſcript̄, quod quidem manerium eſt clari annui valoris in omnibus exit̄ vlt̄ repriſ.xx.li. de terr̄ P.B. in ſcedul' huic breui annex' nominat̄, Ac cepi etiam in man' eiuſdem dom̄ regis vnū torment̄ voc'a Pewtronel cum le flax & touch box valor̄ x.s. nomine diſtrictionis de bonis & catallis I.C. in ſcedul' p̄d̄ nominat̄ prout iſtud breue in ſe exigit & requirit, &c.

R.O.Ar.Vic'.

Aliter

Aliter vbi nihil eſt return'.

BAron infraſcript certifico quod A.B.C.D & ceteri perſonæ in quibuſd̄ ſcedulis huic breui annex' nominat̄ nulla habēt bona ſeu catalla infra balliuam meā vnde ſeperalia debit̄ ſuper eos onerat̄ ſeu aliquem inde parcell' fieri facere poſſum nec ſunt inuent̄ nec eorum aliquis eſt inuent̄ in balliua mea, nec ſunt aliqui exec' teſt. ſiue vltime voluntat̄ p̄d̄ ſeperalium perſonarum neque adminiſt' bonorū & catall' quæ ſua fuerūt. nec aliqui hæred̄ ſeu tenen̄ terr̄ p̄d̄ ſeperalium perſonarum ſiue eorum al' infra balliuā meā quæ diſtringere poſſum, put iſtud br̄e ipſe exigit & requirit.

Refid̄ executionis iſti' breuis patet in quibuſdam Inquiſ. huic breui annex'.

R.O. Ar' Vic'.

Nihil return'.

INquiſ. indent̄ &c. qui dic' ſup ſacr̄m ſuum q̄ A.B.C.D &c. in ſcedul' huic br̄i annex' nominat̄ ſeperalib' dieb' & ann̄ quib' primo debitor̄ deuenerūt dño regi ſeu vnquā poſtea hucuſq; nul' hueŕ bona ſeu catall' terr̄ ſiue tenmēt̄ infra balliuā meā quæ extendi aut apprec' poſſint ad eorū notic', Et q̄ mortui ſūt ſed quibus die & anno ſiue diebus & ann̄, ac vbi penitus ignorant, In cuius rei teſtim̄ &c. vt ſupra. South.

R.O. Ar. Vic'.

diem eſſendi hic ad ſcaccariū dñi regis infraſcr̄ ad diem & locū infracontent̄ prout interius mihi præcipitur.

R.O.Ar.Vic'.

Retorn' brevis de reſpect' homag' al. diſtringas in Scaccario.

M.infranominat̄ A.B. { I.Doo. / Rich.Roo.

Exit——————xx.s. **Dr according to the value of the land more or leſſe.**

R.O.Ar'Vic'.

Retorn' de Seaſur' in Scaccar' nomine diſtrictionis.

VIrtute iſtius breuis mihi direct.xx die Ma. Anno regni domini regis infraſcript̄ decimo quinto, In manus domini Regis, maneriū de S.infraſcript̄ cum pertineñ in S. in com̄ infraſcript̄, quod quidem manerium eſt clari annui valoris in omnibus exit̄ vlt̄ repriſ.xx.li.de terr̄ P.B.in ſcedul' huic breui annex' nominat̄, Accepi etiam in man' eiuſdem dom regis vnū torment̄ voc'a Pewtronel cum le flax & touch box valor̄ x.s.nomine diſtrictionis de bonis & catallis I.C. in ſcedul'p̄d nominat̄ prout iſtud breue in ſe exigit & requirit, &c.

R.O.Ar.Vic'.

Aliter

Aliter vbi nihil eſt return'.

BAron infraſcript certifico quod A.B.C.D & ceteri perſonæ in quibuſd ſcedulis huic breui annex' nominat nulla habēt bona ſeu catalla infra balliuam meā vnde ſeperalia debit ſuper eos onerat ſeu aliquem inde parcell' fieri facere poſſum nec ſunt inuent nec eorum aliquis eſt inuent in balliua mea, nec ſunt aliqui exec' teſt. ſiue vltime voluntat p̄d ſeperalium perſonarum neque adminiſt' bonorū & catall' quæ ſua fuerūt. nec aliqui hæred ſeu tenen terr p̄d ſeperalium perſonarum ſiue eorum al' infra balliuā meā quæ diſtringere poſſum, put iſtud br̄e ipſe exigit & requirit.

Reſid execution iſti⁹ breuis patet in quibuſdam Inquiſ. huic breui annex'.

R.O. Ar' Vic'.

Nihil return'.

INquiſ. indent &c. qui dic' ſup ſacr̄m ſuum q̄ A.B.C.D &c. in ſcedul' huic br̄i annex' nominat ſeperalib⁹ dieb⁹ & ann̄ quib⁹ primo debitor deuenerf dño regi ſeu vnquā poſtea hucuſq; nul' habeř bona ſeu catall' terr̄ ſiue tenm̄ēt infra balliuā meā quæ extendi aut apprec' poſſint ad eorū notic', Et q̄ mortui ſūt ſed quibus die & anno ſiue diebus & ann̄, ac vbi penitus ignorant, In cuius rei teſtim̄ &c. vt ſupra. South.

R.O. Ar̄. Vic'.

Vbi terr' extendable iacet in al' Com'.

BAron infrasc' certifico quo omnia terr & tenement que fuer infranom N.E. aut al' anteceſſorum ſuorum iacent in com S. & non in balliua mea.

R.O.Ar Vic'.

Comorans in al' Com'.

INfranominat E. S. eſt vic' Com O. & eſt comorans in dicto com O. & non eſt inuentus in balliua mea.

R.O.Ar.Vic'.

Retorna pro vic' meſme.

BAron infraſcr certifico quod ego H. W. miles modo ſum vic' Comit S. ideo meipſum diſtringere non poſſum prout interius mihi præcipitur.

H.W. Mil Vic'.

Retorna brevis pro elect' Mil Parliamenti.

VIrtute iſtius brevis mihi directi Eleg' feci duos milit gladijs cinctos magis idoneos & diſcret de com meo pd viz. W.F. & I.S. qui quidē mil' plen & ſufficient potest' pro ſe & cōmunitate com pd habeant ad faciend & cōſenciend

ſenciend hijs quæ ad diem & locum infracõt de communi conſilio regni regis Anglię ordinari contingeŕ, Et pd W.F. & I.S. manucapt ſunt per I. P. W.B.R.D. & R.N. ad eſſend ad parliamẽt Domini Regis apud Weſtm ad diem infracontent ad faciend prout iſtud breue in ſe exigit & requirit, feci etiam pcept I.P. & W.S. ball' liberẽ ville de G. q de burgo de G. elegi fecerint duos burgẽſes de diſcreț & magis ſufficien qd ſint ad pliament dicti dom regis ad diẽ infracont ad faciend & conſentiẽd vt pd eſt qui quidẽ balliui ſic mihi reſpond q elegi feceŕ de pd burgo de G. duos burgenſes diſcreț & magis ſufficien ad eſſend ad parliamẽt pd viz. S.W. & R.W.

Reſid executio iſtius breuis patet in quibuſdam Inquiſic' huic breui annex'.

R.O. Ar. Vic'.

Retorn' de breue ſum' Parliamenti.

VIrtute iſtius breuis mihi directi tam infra libertat quã extra p totã ball' meam publice pclam feci q omnes & ſingul' pſon habẽtes terr tenement ant redd vt infraſcript eſt quorũ nomiñ in quadã ſcedul' huic bẽi annex. ſũt ſcript ad pfatũ dñi regis circa feſtũ infraſcr pſonaliț cõpariant ac accedunt ad pf. ordiné recipiend prout interius mihi præcipitur.

F.P. Mil' Vic'.

Retorn' de reſcous.

EXecutio iſtius breuis patet in quadam ſcedula huic breui annex.

Virtute breuis domini regis mihi directi & huic ſcedule annex' feci quoddã warrant meum cuidam I. M. balliuo meo iteneranti ad capiend' & arreſtand' E. G. in dicto breui nominat' ſecundum exigenc' eiusdẽ breuis qui quidam balliuus meus virtute warrant mei prædd decimo die I. anno &c. apud D. in com. S. prædict' cepit & arreſtauit corpus prædict' E. G. & adtunc & ibidem ipſum E. G. in cuſtodia ſua habuit ſuper quo F. G. de C. prædd in com prædict' genef' & T. M. de eiſdem vill' & com genef' adtunc & ibidem vi & armis viz. gladijs punionibus & bacul' in predict' balliuum meũ inſult' fecer' & ipſum balliuum meum adtũc & ibidem contra legem & conſuetudinem regni domini regis Anglie &c. ac contra voluntatẽ ipſius balliui mei impriſonauer' & ipſum balliuum meum in priſona ibidem per ſpaciũ vnius horæ adtunc & ibidem detenuer' & xx. d. in pecũ numeratis de bonis & catallis & denar' ipſius balliui mei a pſona ipſius balliui mei adtunc & ibidem prædict' T. M. cepit, ac pref. E. vi & armis prædict' adtunc & ibidem a cuſtod' dict' balliui mei cepef' & reſcuſſer' necnon eadem E. ſeipſam adtunc & ibidem a cuſtodia prædict' balliui mei reſcuſſit contra voluntatẽ

eiuſdem

eiuſdem balliui mei & cont̄ pacē dicti dñi regis nunc &c. Et poſtea eadē E. non fuit inuentus in balliua mea.

R.O. Ar. Vic'.

Alit' per balliuum Hundred'.

VIrtute iſtius breuis feci quoddam warrāt meum W.H. balliuo Hundred de H. qui mihi ſic reſpondit quod vbi ipſe virtute warr̄ prædict̄ decimo die S. anno &c. apud C. in comitatu prędict̄ cepit quandā I. S. & ipſum vſque ad gaolam dom̄ regis Caſtri ſui Winton̄ ducer̄ voluiſſet ibidem ſaluo cuſtod̄, Illuc ven̄ quidam I.G. & R.S. cum plur̄ al' ignot̄ vi & armis modo guerrin̄ arreyati & a cuſtod̄ dicti balliui apud &c. predict̄ I. S. cepер̄ & abduxer̄ & dictum balliuum neciuiſſe voluer̄ niſi ipſ̄ I.S. euadere permiſer̄, Et ſic ob metu mortis ſui ipſ̄ I.S. euadere permiſit, Et ea de cauſa corpus prædict̄ I.S. coram domini rege ad di̇ē & locū̄ infraconſ̄ habere non poſſum ꝓut inter mihi præcipitur. Et vlterius certifico q̄ p̄d̄ x. di̇ē &c. p̄d̄ I.S. non fuit inuentus in ball' mea.

R.O. Ar̄ Vic'.

Alit' per balliuum libertatis.

VIrtute iſtius breuis mihi directi mandaui I.S. balliuo libertat̄ de D. in com̄ p̄d̄ qui habet plenū returnū omniū br̄ium ꝓcept warr̄ ſibi

ſibi inde direct, Et qui tali die & añ apud P. in com̃ pd̃ T. S. in breui huic ſcedule annex' nominat & in eodẽ warr̃ ſibi directũ ſimiliter nominat capit & arreſtauit & ipſum T.S. in cuſtodia ſua occaſione præd̃ adtunc & ibidem habuit & tenuit. Ac quidam I.C. nuper de S. in comitat̃ predict' Husbandman, agregat̃ ſibi quam plur̃ al' malefact' ignot̃ paciſque Domini regis perturbat̃ ad numerũ viginti perſonarum modo guerrum arrerat̃ vi & armis viz. &c. in ipſum balliuum adtunc & ibm̃ riotoſe inſult̃ fecer̃ & ipſum verberauer̃, vulnerauer̃, & maletractauer̃, ita quod de vita eius deſperabatur. Et quod I.C. & al' &c. ipſum T. S. extra cuſtod̃ dicti balliui adtunc & ibidem cepe r̃ & reſcuſſ. & ad ſui iuris ad largum ire permiſer̃ contra voluntatem prædict' balliui, Ac idem T.S. ſeipſum extra cuſtod̃ dicti balliui adtunc & ibidem ſimiliter reſcuſſit contra pacẽ dom̃ regis nunc &c. E poſtea idem T. non fuit inuent̃ in balliua mea.

R.O. Ar. Vic.

Retorn' de proclam' extra Cancellar'.

VIrtute iſtius breuis mihi directi publice proclamat̃ feci infra balliuam meã quod infranominat̃ H.B. ſub pena legiancie ſuæ corã Domino rege in Cancellar̃ ſua infraſcript̃ ad diem infracontent̃ compareat prout interius mihi præcipitur, necnon Domino Regi certifico

fico quod infranominat H.B. non est inuentus in balliua mea.

R.O. Ar. Vic'.

Retorn' de Commission' de rebellion.

DOmiñ regi certifico q; tẽpore receptionis istius Cómiss. mihi & al' direct' infranom W.W. capt' & arrest. fuit p W.S. mil' vic' com S. virtute diuers. brium eidẽ vic' direct' & gaole dñi regis castri sui Wint' p eund' vic' cómiss. fuit in qua quid' gaola ego pf I.W. pf. W.W. virtute istius cómissionis attach. feci, put interius mihi pcipit' sed corpus eius ad diẽ & locũ infracontent' hẽre non possũ quia idẽ W. in ead' gaola sub saluo custod' dicti vic' ob diuers. alijs causis ibidem detinetur.

I.O. Commissionr'.

The returne of a Dedimus potestatem, to take the Oath of a Sherife.

VIrtute istius breuis mihi direct. tali die & añ &c. infrasc. recipim' sacrm infranom R.O. vic' com S. de officio illo bene & fideliter faciend' iuxta form' cuiusd' scedule psentibus annex. put interius mihi pcipit', ac put breue istud in se exigit & requirit.

W.S. & B.T. } *Commiss.*

Returne

Retorna de breue de premunire.

VIrtute iſtius breuis tali die & anno p I.S. T. W. & I.F. probos & legales hoīes de ball' meo premunire feci W.K. clericō infranomiñ quod ſit coram dom̄ rege ad diem infraconṫ vbicunq; &c. ad fac' & rec' prout iſtud bṝe in ſe exigit & requirit, Et I.B. & ceteri def infranom̄ nihil habēt in ball' mea p queeis p̄munire fac. poſſ. nec ſunt inuenṫ in eod.

R.O. Aī Vic'.

Retorna breuis vbi Clericus non habet laicum feodum.

VIrtute iſtius breuis mihi directi Iuſtic' infraſcript̄ certifico quod infranominaṫ T. H. Clericus eſt benefic' in Epiſcopaṫ London̄ nul' habens laicum feod̄ in balliua mea vbi poteſt' ſum̄.

R.O. Aī Vic'.

Returna breuis eligend' veridar' Foreſte.

DOmiñ reg. certifico quod infranominaṫ I.H. ante aduenṫ iſtius breuis mihi direct mortuus fuit quodque ego poſt receptionem iſtius breuis in pleno com̄ meo tenṫ apud caſtr̄ Winton̄ in com̄ meo viceſimo nono die Marc' anno infraſcr̄, ex aſſenſu eiuſdem Com̄ loco

præd

præd I. elegi feci quendam N.S. armiger̃ viridar̃ foreſte de B. infraſcript̃ ad fac' ea omnia q̃ ad offic' illum pertinẽt prout iſtud breue in ſe exigit & requirit.

R.O. Ar. Vic'.

Return' brevis ſumm' coram Iuſtic' foreſte.

VIrtute iſtius brevis mihi directi ſum̃ feci Archiepiſcopos, Epiſcopos, Comit̃, Baroñ, & omnes alios liberos tenen̄ qui terr̃ & tenement̃ habent infra metas foreſtæ domin̄ regis infraſcript̃ in comitatu meo & quatuor homines & præponit̃ de quolibet villat̃ infra metas eiuſdem foreſtæ, Ac etiam duos probos & legales homines de quolib. burgo infra metas dictæ foreſtæ tenend̄ venir̃ detinir̃ vt ſolebãt, quod ſint coram Iuſtic' infraſcript̃ ad diem & locum infra content̃ prout interius mihi præcipitur publice etiam proclam̃ feci per totam balliuam meam tam in burgis quã in alijs villis ac in terijs mercatis & alijs locis publicis quod omnes ill' qui per cartam domin̄ Regis nunc aut anteceſſ. vel progenitor̃ ſuor̃ aut aliquo alio modo aliquas libertates ſeu frãchefias teneant aut libertat̃ habere clam̃ & quo warr̃ quod ſint coram dictis Iuſtic' ad diem & locum prædict' proclam̃ etiam feci quod omnes attach. pro virid̃ & venac' in foreſta prædict' poſt vltimum placit̃ foreſtæ præd̃ tenr̃ & eorũ pleg. & manicapt̃ qui huer̃ die p manu.

capcion̄

captiõ præd essend coram prefat. Iustic' ad stand rect' & ad faciend ea que secundum legem foreste facere debent.

Resid execution istius breuis patet in quibusdam pannell' huic breui annex'.

R.O. Ar. Vic'.

Le pannell.

Anthon B. de C generos. & sic xxiiij. for the grand Iurie, and twelue for the petie Iurie.

Quando aliquis ostend' vic' tall' sua.

VIrtute istius breuis mihi directi baron infrasc. certifico qd firmar infranomin post receptionem huius breuis mihi ostend tall' ss de solutione firme suæ interius specific. ob. qd præfixi eis diem essendi coram baron infrascr ad faciend & recipiend super talia pd iuxta tenor huius brīs, Et ideo leuatio sum interius specific' superi. put interius mihi pcipitur.

Will. Ar. Vic'.

Retorna breuis ad proclam' vic' ad reddend' compotum suum per Coronatores.

VIrtute istius brīs nobis directi Baron infrascript certificamus quod in plena Comitatu S. infrascr rent apud Castrum Winton in comitatu S. predict' vicesimo die A. anno &c.

&c. infraſcript, Ac etiam in pleno comitat̃ p̃d̃ apud W. p̃d 18. die Septembr̃, anno &c. necnon in diuerſis vicibus poſtea in com̃ p̃d articulatim ꝓclamari fecimus oĩa & ſingula articula que in iſto br̃i continent̃ & ſpecificant̃ ꝓut p br̃e iſtud nobis interius præcipitur.

I.W. }
W.R.gen. } *Coron'.*

Retorna de Capias extra Scaccarium tam corpus quam terr' nomine diſtrict'.

VIrtute iſtius breuis mihi directi Baroñ infraſcript̃ certifico qd̃ cepi corpus infranominat̃ I.R. cuius quidem corpus coram dictis Baronibus paratum habeo ad diem & locum infracontent̃, necnon viceſimo die I. anno &c. infraſcript̃ cepi in manus domini regis nomine diſtrictionis cert̃ terr̃ & tenement̃ infranominat̃ I.R. iacent̃ & exiſteñ in B. annui valor̃ C.s. prout iſtud breue in ſe exigit & requirit.

R.O. Aſſ Vic'.

Capias in manus manerium.

VIrtute iſtius breuis mihi directi Baroñ infraſcript̃ certifico quod viceſimo die Martij, anno &c. infraſcript̃ cepi in manus domini regis infraſpecificat̃ maner̃ infraſcript̃ cum pertinentijs prout interius mihi præcipitur.

tur. Et ſi ſit cum inquiſitione ꝑ annui valor tũc ſic br̃e pd̃ return eſt.

Reſid̃ executionis iſtius br̃is patet in quadã In quiſ. huic breui annex'.

R.O. Ar. Vic'.

South. INquiſitio Indentat̃ capt̃ apud, &c. as the inquiſition is before for the ſome, onely putting in the new matter.

Retorna breuis de Q. quis eſt tenens extra Scacc'.

VIrtute iſtius breuis mihi direct̃i baron̄ infraſcript̃ certifico quod W. B. & M. vxor eius ſunt tenẽtes tertiæ partis manerij infraſcr̃ intres partes diuidendum & C. A. M. E. & I. B. fil' C. D. defunct̃ ſunt tenent̃ ſecund' partis manerij pd̃ in tres partes diuidendum, & tertia ps manerij pd̃ rem̃ in Cuſtod̃ dñi regis ration̄ minoris ætatis P. B. fil' & hæred̃ pd̃ C. B.

M. prænominatorum W. } Ioh. Doo.
B. & M. vxor eius } Rich. Roo.

R.O. Ar. Vic'.

Return' de venire fac' extr' Scaccarium vel offic' Coron' in natura de ſummons vbi eſt inſufficient.

INfranominat̃ A. B. nihil habet in balliua mea per quod poteſt Attach. vel vbi' eum ſum̃ poſſum.

Infranomiñ

Infranominat A.B. Attach. est per pleg. viz. { Io. Fen. / Rich Den- } R.O. Aſ Vic'.

Exit eorum j. marc';

Et vlterius si hæc verba recitantur in breui, necnon ad ostend tunc in quouis x.s.

Return' de distringas vbi pars nihil habet in terr'.

INfranominat A.B. nihil habet in terr tenement & hæreditamentis infrascr p qd ipsum distringere possum.

Aliat.

NVllum tale manerium neq; vlla terr siue tenr cognit per nomẽ de E. iacẽ in com S. vnde tenetes inde distringere possum, put interius mihi precipitur.

R.O. Aſ Vic'.

Return' de vendicione exposit'.

VIrtute istius brĩs mihi direct de die in diẽ vendicion exposui ill' bona & catalla ad valẽc' C.s. resid de 8. li. que nup de fris & catall' terr & tenr T.E. infranomin cepi & inde vendidi ad valẽc' xl.s. quos quidẽ xl.s. ad diẽ & loc' infracõten parat habeo ad reddend infranom C.D. put interius mihi pcipitur. Et resid bonorũ & catall' pd adhuc penes me remanent inuendit pro defect emptorum.

Aliter retorn' de vendition' exponas.

BAron infraſcript certific' quod ill' C. oues in hoc bre ſpec' vendicion exponere non potui eo qd adhuc remanent in manus infran R. N. nup vic' com S. & nunquam mihi præf. nunc vic' adhuc per præf. nuper vic' deliberat fuer.

R. O. Af Vic'.

Retorn' de fieri fac' vbi mill' addition' datur alijs def.

BAron infraſcr certifico quod ſunt diuerſ. perſone in com meo nomiñ & cognomi-nis de I. K. viz. I. K. de B. I. K. de F. & I. K. de A quod non continentur in iſto breui de cuius pd I. K. &c. bonis & catal' denar infraſp fieri facere Neſcio ideo ad executionē iſtius breuis procedere non potui.

R. O. Af Vic'.

Retorn' breuis extra Cur' Wardorum & Liberacionum.

POſt receptionem iſtius breuis & ante re-torn eiuſdē ſeperal' denar ſum inf' aſcript ſoluti fuerunt per ſeperales perſonas infra-nominat receptori domiñ regis cuī fue Wardor & Liberac' ideo ad executionem eiuſdem bre-

uis

uis procedeꝛ nó potui prout interi' mihi præcipitur.

R.O.Ar.Vic'.

The Returne of a ſignificauit.

VIrtutis iſtius breuis mihi direct' cepi corpus infranomiñ A. B. cuius quidem corpus remanet in priſona domiñ regis Caſtri ſui Wintoñ ſub ſaluo cuſtod̃ mea donec ſãct' eccleſiæ tam de cótemptu quam de iniuꝛ ei illat̃ ab eo fuer̃ ſatisfact̃ prout iſtud breue in ſe exigit & requirit.

R.O.Aꝛ Vic'.

The returne of a ſignifie' with proclam'.

INfranominat̃ A.B. non eſt inuent̃ in balliua mea ſed virtute iſtius breuis mihi direct' in Pleno com̃ meo tent̃ apud Caſtrum Wintoñ in com̃ infraſcript̃ xv. die Iulij anno infraſcript̃ pnblice proclã. feci quod predict' A. B. infra ſex dies proxm̃ poſt proclam. illam corpus ſuum reddat in forma infraſcript̃ prout̃ breue iſtud in ſe exigit & requirit.

R.O.Ar.Vic'.

INquiſitio &c. Qui dic' ſuper ſacrament̃ ſuũ quod W.F. in ſcedul' breui pred̃ annex. nominat̃ mortuus eſt ſed quibus die & anno aut vbi penitus ignorant quodque W.M. etiam

in eadē ſcedula nominat̄ eſt reſidens in Londiñ & I.S. eſt comorans apud B. in com̄. W. & A.R. in vill' & comit̄ Southhampt̄ extra com̄ South. & reliqui perſoñ in eadem ſcedul' nominat̄. Ita vagrant & diſcurrunt in comit̄ predict̄ quod capi & arreſtar̄ non poſſint. In cuius rei teſtimoñ &c.

South. INquiſitio &c. qui dic' ſuper ſacrament̄ ſuum qđ H.S. in ſcedula huic bṙi annex' ſpec. null' alia ſiue plura habet maneria terr̄ neque tenet̄ in com̄ p̄d̄ preter & vltra maner̄ terr̄ & tenement̄ in ſcedul' breui pred̄ annex. ſpec' extēd̄ aut in manus dom̄ regis ſeiſiri poſſint. In cuius rei teſtimoñ &c.

South. INquiſitio &c. Qui dic' ſup̄ ſacr̄m ſuñ quod I.W. in breui p̄d̄ nom̄ die capcion̄ huius inquiſition is fuit poſſeſſionat̄ de quadā dimiſſione p̄ termiñ viginti añ vnius meſuag. &c. in A. in com̄ pred̄ cum pertinenc̄ añ valor̄ in omnibus exit̄ vltra repriſ. 4. li. quam quidē dimiſſionem ego p̄f. vic. die captionis huius Inquiſitionis cepi in manus dicti dom. regis, In cuius rei teſtimoñ &c.

South; INquiſitio &c. Qui dic' ſup̄ ſacram̄ ſuum qđ quibus die & annui nuper comes H. obijt & vbi penitus ignorant̄ quodq; ipſe null' habet bona aut catall' in com̄ præd̄ que capi & in manus dict̄ dom. regis extend̄ poſſint. Et vltr̄ dic'

dic' qd̄ p̄d̄ comes H. die quo obijt fuit ſeiſit̄ in dñico ſuo vt de feodo de & in manerio de C. cum p̄tiñ clari añ valoris in omnibus exit̄ vlt repriſ. a 5. li. q̄ quidē maner̄ cum p̄tiñ ante aduent̄ iſtius breuis ego præf. vic' virtute alteri' breuis extra hanc Cur̄ emanen̄ & ex parte rememor̄ dict̄is dñi regis huius ſcaccar̄ affilat̄ ſeiſir̄ feci in manus dicti dñi regis p̄ extent̄ pred̄. In cuius rei teſtim̄ &c.

Alias.

VIcar̄ infraſcript̄ cum pertiñ in manus dicti domini regis exiſtit. Sede Epiſcopus Wintō modo vacant̄.

Alias.

QVod maner̄ terr̄ & tenţ nuper W. dom̄ de Warr̄ in manus dicti dñi regis exiſtunt eo quod T. W. miles mod̄ domiñ de le warr̄ filius & hær̄ p̄d W. nō proſecutus eſt liberac. ſuā extra cur̄ dict. dom̄ regis Wardor̄ & Liberac'. In cuius rei teſt̄ &c.

The returne of a Writ of Partition.

EGo R. O. Ar̄ vic' com̄ pred̄ Iuſtic. in breui huius ſcedule annex' ſpec. certifico q̄ virtute breuis illi' in propria perſona mea xv. die I. anno &c. Acceſſi ad meſuag. in breui prædict̄ ſpec' per ſacram A. B. &c. ad numerum 11. p̄borum & legaliū hominum de com̄ pred̄ & vſum in eodem bri ſpec' habuit reſpect. ad verum valorem eiuſdem meſuag. eundem meſ. cum pertinentijs in quatuor equal' partes partiri feci, & vnam partem partiū illar̄ viz. &c.

tenēd H.S. & vxori eius in breui pred nominat in seperalitate per metas & bondas in iure eiusd I.E. aliā partē inde viz &c. tenend I.C. & E. vxor eius in bri pd nominat in seperalitat in iure eiusd E. & due al' ptes inde viz. &c. tenend pf. I. C. in seperalitat in iure suo proprio. Et ego pref. vic' die & anno suprad eas deliber & assign feci prout idem breue in se exigit & requirit.

R.O. Aī Vic'.

An acquittance of relief.

Apattat vinu sib p quitt me Hugoem Jeff: de ca: in rom Datwdhon tenen tenlid Prudnch in expo pris ar dni & dom Enlielm remissionē dibma Bang Epi, domus libt Mantvior mang de Gogarth, Cawthtocko, Buchmtvt in Stpalibus ramd de Dtn: et Datw: p hmōi et vtrepisse dic' ronstrumb pdin de al: de H: in Bang, plg utro, b et mp bont et legal montt duc lid q vel 1 debit dict dno Epo post mortem dm: ap Pir: pris sui nup defunct et sup libr stuen dict dud Epi infra Manchid de Gogarth plg de qua quidm summa v. 4. fatteo me plenarie satisfact et dict Pris: dom: hered et ex: et eor suob indt esse quitt et exonat imp qd p pntes. In cuius rei testimoniu &c

¶ The manner and forme how to keepe a Court Leete, or a Lawday with all things thereunto appertaining as followeth.

The third Booke.

First the Steward must make his precept to warne the court thus.

Alton West brake,

I. W. generosus Seneschal' R. T. milit̃ manerij sive hundred̃ sui de A. balliuo eiusdem manerij salut̃ tibi mando q̃ diligẽt p̃monire fac' curiã vis. Franc' Pleg. maner̃ p̃d̃. Tenend̃ xx. die Octob. p̃x. sequen̄ circa horã nonam ant̃ meridiẽ eiusdem diei ad locũ cõsuet̃ dat̃ sub sigillo meo vicesimo die Septemb. ann̄ &c.

Per me I. W. Senes. ibid̃.

Then enter the Stile of the Court thus:

Sf. Vis. Franc' Pleg. cum cuĩ T. mil' ibidem tenẽt die Iouis viz. vicesimo die Octobr. anno regni dñi nostri Iacobi dei gracia Ang Frãc', & Hibr̃, regis fidei defens. &c. viz. And. Frãc', & Hiber̄ x. & Scoc' xlvj p I. W. Senes. ibid̃.

Then cause the bailife to make three pro-

sulit̃ abit et seminabit quosdam sulit̃ inde (duglas) hit plene & sonit̃ stolam summonit̃ [illegible]

clamations, and say after the Steward thus.

All manner of persons which are resiants or dozoners, and owe suit roiall to this Court Læte or Law-day, come in and doe your suite, and answer to your names as you shall be called, euery man at the first call, vpon pain and perill that shall fall thereon.

Then call the frée suiters and dozoners one after another thus:

L. G. gent. come into the court and doe your suit and seruice, or else you will bée amerced, and when you haue called them, all those which made default, marke them ouer the head thus, Laurentius Gaole, in misericordia y. d. and when all the frée suiters bée called, you must write thus, Sunt lib. tenen huius maner & debent sect. ad hanc Cur & fecer default id quilibet eorum in miser prout patet super eorum capit.

Then the Steward must cause the bailifes to make 3. Proclamations, & then to say thus, And if any man will be essoined, let him come in and he shall be receiued, and all such persons as were essoined the last court, let them come now in and warrant their Essoines, or else they will be amerced both for this Court, and also for the last, that is, they must appeare, and not be againe essoined; for if that be suffered, it will hinder the seruice: And if any desire to be essoined by their Mythingman or other neighbour, then for the first court they may

may be essoined, and their essoines must bée entred as they are in the hundred Court in this booke.

Then let the bailife say after the Steward, if any man will enter any plaints, let them come forth and they shalbe heard.

Then if any come to haue any plaints entred, then enter them as they are entred in the hundred courts, and if néed bée, those declarations and pleadings will serue here.

Then call the tythingman of euery tithing with his tything, and demand of him if his whole tything bée there or no, and aske him what Law-day, or Hundred siluer hée hath brought, this done, receiue his money, and sweare him thus.

The Tythingmans Oath.

YOu shall sweare, that you shall make true inquiry, & the same present of al such articles and things as shalbe giuen you in charge concerning the K. maiesty, and the lord of this Léete or Law-day, wherein you shall no concealment make, you shall spare nothing méete to be presented within your tithing for loue, fauor, affection or corruption, neither shall you present any thing for malice, hatred or enuie, but according as the trueth of things haue, may or shall come to your knowledge, by information or otherwise: So shall you make thereof

thereof a true presentment without concealement, So helpe you God, &c.

Then call the whole tything by name and sweare them thus.

The same Oath which A. B. your tithingman hath on his part taken before you and euery of you, you shall for your parts obserue, performe and keep in euery article and thing which shall bee giuen you in charge at the Leet, So help ye God and the contents of this booke.

To call the Constables of the Hundred if there be any there, and sweare them thus:

You shall sweare, that you shall make due inquiry, and the same present of all such articles and things as shalbe giuen you in charge, and of all and euery such thing and things, which are, shall, or may come to your knowledge meete to be presented at this court concerning your office, wherein you shall spare no man for loue, feare, fauour, affection, or corruption, neither shall you present any man for malice, hatred, or enuie, so shall you make both a iust and a true presentment thereof without concealment, So helpe you God, and the contents of this booke.

In like manner you shal sweare Aletasters, Heywards, and other officers, if any such bee answerable, or ought to appeare there according to their particular offices.

Then call to the Bailife for the names of

the

the Iurie, and bid him returne them in writing, whereof must be 24. which return, made and deliuered, bid the bailife make an O yes and say after you thus:

You good men that be returned to inquire for our soueraigne lord the King, and the lord of this Leete or Law-day, answere to your names, as you shalbe called, euery man at the first call, vpon paine of amerciament.

Then call the Iurours seuerally by name as they be returned, and pricke them openly which appeare, and none els, and when 14. or 15. or more haue appeared, then call the foreman to the booke, and sweare him thus:

The Foremans Oath.

YOu shall duely inquire, and true presentment make of all such articles and things as shall be giuen you in charge, the K. Maiesties councell, your fellowes, and your owne you shall well and truely keepe, and not disclose the same, but here in court you shall present the trueth, and nothing but the trueth, so helpe ye God and the contents of this book, and then let him kisse the booke to affirm his oath.

Then call the rest of the Iury by 3. or 4. at once, and sweare them thus:

Also such oath as A. B. your foreman hath taken before you on his part, you & euery one of you shall well and truely obserue and keepe on

on your part, so God ye helpe, and the contents of this booke.

And note that the steward may impannell any stranger, if there want to make xij. of the Iurie, because it is for the seruice of the K. for a presentment made by fewer then by xij. is trauersable.

Io. Doe.
Ri. Roe.
Io. Den.
Wil. Fen.
Wal. Neate.
Io. Feate.
} Iur.
Io. Hye.
Io. Pye.
Io. Miles.
Th. Giles.
Ri. Cooke &
Th. Snooke.
} Iur.

then count them.

This done, then command the Bailife to make proclamation, & say thus after the steward, you good men that be impannelled to inquire for our soueraigne lord the K. and for the lord of this leete or law-day, draw nere and heare your charge, and the court commandeth all others to kepe silence whilest the charge is giuen, vpon paine of imprisonment.

An exhortation to the Iurie before the charge.

My maisters you that be sworne, before I enter to giue you your charge, I shall exhort you in the feare of God, first of all to remember your duties to almighty God, next to the K. Ma. and lastly to the L. of this leete or law-day, and therein to haue a speciall regard for

for the good of the common wealth, here within the precinct of the leet or law-day. God delivered with his seruant Moses in the mount Synae ten lawes or commandements, which are diuided into ij. tables, the foure first which are the first table, doe teach vs our duties to God, the other 6. which are the second table, doe teach vs our duties one towards another, as the body of man is subiect to many sicknesses and diseases, so a kingdome is subiect to many mischieses and inconueniences, and as the one is often curable by physick, so the other is to be redressed and reformed by the due execution of lawes which are as the sinewes of the Common wealth, to keepe it in good order, and the execution of the Law is the life of the law, otherwise it is but as a dead thing, and therefore good rulers and magistrates are said to bee as fostering fathers and mothers to the common wealth, as well as naturall parents are to their owne children, and the subiect that honoureth his Prince, the child that honoureth his parents, and the seruant that honoureth his or her master or mistres, ought to honour them of duty in singlenes of heart, and not for feare of punishment, or hope of reward. By the ancient lawes of this realme, this our kingdome of Engl. is an absolute empire and monarch consisting of a head and of a body politike, compact and compounded of many members, all which are diuided into two generall

parts

parts, viz. the Clergie & the Laitie, both which next and immediatly vnder God ought to bee subiect and obedient to the king their head, for he is their head, and they are his members, and he is ordained to this end and purpose to governe his kingdomes and people, and especially the holy Church, and to defend the same from all errors, and from all workes of mischiefe and iniquitie, and to root out all malefactors which do disturb the peace of the Common wealth, by the due execution of the laws and stat. which are made to that end and purpose. All which he hath committed to his Iudges and Iustices, and other officers as it is very meet and conuenient he should, because they are his substit. for the well governing of this Kingdome; And I must tell you that these Leets and law-daies are very ancient lawes, and they were the first lawes that euer were vsed here in England, and they were ordained for two causes, the one was that the King might vnderstand by his steward vpon the viewe of such persons as appeared before him, how many able men there were within the precinct of euery Law-day to doe him seruice in his warres if need should require, for wee must vnderstand, that at that time all Leets and Law-daies were in the kings hand, and at this day no man can keepe a Law-day, but either by the Kings speciall grant, or els by title of prescription, which first began by

the

the Kings grant, And the other cause was for the administration of Justice to the Inhabitants within the precinct of every Leete or Law day, for before the beginning of those Leets or Law dayes, there was no law used, nor nor no Justice ministred, but all onely before the King himselfe, and whersoever hee was, there was the Law used, and Justice ministred, and in no place else, and then by reason of the great numbers of suters which resorted to the Court for Law and Justice, oftentimes sickenesses & diseases were brought thither, which did indanger the Kings person, and also by reason of the multitude of suites which were there depending, it was long ere matters could be heard and determined, and very troublesome and chargeable to suitors to repaire so farre and stay so long for Justice, for remedy whereof, this realme was then divided into Counties, and so into Hundreds, Ridings, Lathes, Leetes, and Wapentakes, which are all one in effect, though they differ in name according to the custome of every Countrey. And there is no man living within this realm, but he is resident and abiding within the precinct of some one of these, and there hee ought to appeare twice every yeare, if hee bee not otherwise priviledged by his place or office: and if any wrong be done unto any man under the value of forty shillings, there hee ought to have redresse, and

not

not elsewhere, Then these Lawes were afterwards confirmed by the statute of Marlebridge c. 3 8. before the making of which statute, A Lord of a Leete or Law-day might haue kept as many Leets or Law-dayes in a yeare as he would, and as few. But by that statute men were limited and appointed to keepe but two euery yeare, videlicet, one within a moneth of Easter, and the other within a moneth of Michaelmas. And afterwards because men were of sundrie opinions, what things were inquirable at leets or law-dales, and what were not, there was another statute law made in the seuententh yeare of E. 2. by which it appeareth what things are inquirable at a Leete or Law-day, and what are not, and sithence that time there haue been diuers other Statutes made, whereby diuers other articles are inquirable at Leets or Law-daies, which before the making of the statutes were not. Now therefore considering that these Leetes or Law-dayes were first ordained for the causes already declared by mee vnto you, considering also, that the redresse of all wrongs, and the punishment of all offendors here within the precinct of this Leete or Law-day resteth in you who are here especially elected, sworne and put in trust as the most meetest and worthiest men within the precinct of this Court for that seruice, it therefore behoueth you to haue a speciall regard to your

oathes

nathes therein, that yau may the better perfoꝛme the truſt which is repoſed in you, foꝛ now it is your parts and duties to trie right from wꝛong, and truth from falſhood, and to puniſh offendoꝛs, and to defend the innocent. The Pꝛaphet Ieremie teacheth you a good leſſon, and that is this, Iurabis ſaith he, in veritate, in iudic' & in Iuſticia & amouete amorē & timorem odium & ſpem, that is, you muſt ſweare in truth, iudgement and iuſtice, not regarding the ſubſtance, authoꝛitie oꝛ power of a rich man, noꝛ the imbecilitie oꝛ pouertie of a powꝛe man, but rather you muſt follow the rule of that wiſe Phyloſopher Plato, who ſaith thus, That Iuſtum eſt indicium vbi non perſona ſed opera conſiderant, that is a right wiſe iudgement, where the perſon of a man is not regarded, but his offence, Et ex cordibus veſtris omnem affectionem expellite, & memores eſtote quātas minas deus inſtituit qꝛo Iuramenti violat. You muſt if you would doe as you ought to doe, remoue all affection out of your minds, and call to remembꝛance what thꝛeatnings God hath layed vpon ſuch as haue violated their oathes, foꝛ it is wꝛitten in the 14. chapter of Leuiticus, thus, Qui blaſphēmat' nomen dom̄ morte morietur, that is, He that blaſpheməth the name of God ſhal die the death, and in the fift chapter of the Acts of the Apoſtles, it was ſaid to Annanias and Zaphyꝛa, Nonvi:s qui locu-

pro

Act 5. 1. 2.

tus es mendac' & confestim occisi fuerunt pro mendac' in vendend Agr, that is, it was told them that they should not liue any longer because they haue dealt deceitfully, and made a lye to colour their deceit in selling of a field, and they were presently slaine for it: if God did then so punish them for making of a lye, which thing is so common now adayes, what will he doe to them which doe not sticke to lie and wilfully, forsweare themselues? therefore it behoues vs to beware and to learne to be warned by other mens harmes, least wee fall into the like iudgement of God our selues. In doing well, and performing your duties in this seruice which you are to take in hand, you shall not onely please God therein greatly, and doe the King and the Lord of this Leete good seruice, but you shall also do good to your selues and to your posterities, and therein cause the Common wealth to florish and increase in godlinesse and pietie, but on the contrary part, if you shall be remisse and careleſse in doing of your duties, therein you shall not onely offend God very greatly, and incurre the danger of the K. lawes, but you shall also imbolden and incourage wicked and lewde persons to continue still in their owne wickednes, & to go forward a male ad penis, and so to drawe on sinne vpon sinne, as it were with cartropes, to their vtter ruine and destruction. And I would haue you to know, that if I find

you

you careleſſe and negligent in this ſeruice, I may then by the law impannell another Iurie to inquire of your concealements, the which if they ſhall finde, then may I ſet ſuch fines vpon you as I ſhall think fit, according to the qualitie of your offence. But I hope that you will giue me no ſuch occaſion, but rather that you will duly and truly inquire of and preſent all ſuch things as I ſhall giue you in charge.

And ſo I will here ceaſe to trouble you any further by way of exhortation, and proceed as God ſhall inable me and your patience to the particulars of your charge.

Your charge will bee ſomewhat long and tedious, and ſtandeth vpon many parts, but I will make it as ſhort as I can, and reduce it into fiue chiefe heads or parts, viz.

Pettie Treaſons.
Felonies by Statute Law.
Felonies by the Common Law.
Offences vpon diuers Statutes.
Lawes and common annoiſances.

And ſo of theſe in their order.

Pettie Treaſon.

It is Pettie Treaſon for a woman to kill her husband, or a Clerke his Ordinary, and the punishment for theſe offences, is death, and loſſe of lands and goods.

Misprision of Treason.

Next to this is imprision of Treason, and that is, when any one knowes of the Treason aforesaid, or any of them, and conceiueth it twentie foure houres, after knowledg thereof had, the punishment for this offeace is losse of goods and chattels for euer, and of lands during life and imperpetuall imprisonment.

Felonies by Statute Law, Rape.

18.E.2.& 1.H.7. Next you shall inquire of Felonies by Statute law, and therein first of Rapes, and that is if any man haue rauished, or had carnall knowledge of any womans body against her will, or hath stolne or carryed away any widow or maide against their wills, and their friends, though it was done to the intent to marry them, yet it is felonie, and the offendor therein shall suffer death, and lose his lands and goods for it.

Hunters by night.

1.H.7. Next you shall enquire of hunters by night, in any forrest, parke, chase, or warren, with vilards disguised, to the intent not to be knowne, if they be apprehended and denie it afore a Iustice of P. vpon their examination,

it

it is felonie, but if they confesse it, it is then but a trespasse, and so finable.

Defacers of a mans Phisnomie.

Nert you shall inquire if any man or woman hath defaced anothers phisnomie in putting wilfully his or her eyes out, or cutting out of his or her tongue, either of both, is Felonie, and the offendor shall suffer death, and lose lands and goods, 5. H. 7.

Seruants imbesselling their masters goods.

Also you shall inquire of seruants which haue imbesselled their maisters or their mistres goods, being put in trust therewith, if it amonnt to xl.s. and vpwards, it is felonie. 21. H. 8. ca. 7. and the offendors shall suffer death in this case, and lose lands and goods.

Witches and Sorcerers.

Also ye shall inquire of Witches and Sorcerers, for if any of them haue killed or destroyed any man, woman, or child, with Witchcraft or Sorcerie, it is in them felonie, and the offendor shall lose both his lands and goods for it. 5. El.



5 Rebellions.

1. & 5. Eliz.

Also you shall inquire of Rebellions, Riots, Routs, and vnlawfull assemblies, and that is where persons to the number of 12. or vpwards, doe with force vnlawfully go about to alter lawes made by Act of Parliament, or any other lawes of this realme, and being required by the Kings Officers, vpon Proclamation to returne to their dwellings, and yet do remaine together by the space of one houre after such Proclamation made, or after doe attempt the like thing, it is felony, 1. Eliz. And so it is where any such number haue assembled themselues together to breake, or digge vp, or cast downe any pales, hedges, ditches, or other inclosures, or to pull vp any pondheads, conduits, or pipes, to the intent to kill or destroy any Deare in any Parke, Conyes in any Warren, or Fish in any Fish-ponds, or haue fired any dwelling house, or any barne wherein any corne was laid, or any ricke of corne, or ring any Bell, sound any Trumpet, or Drumme, wind any Horne, fire any Beacon, or speake any rebellious words, or bring or send any money, victuall, harnesse, or weapon to any such rebellious persons, is felonie, and the offendors herein shall suffer death, and lose land and goods. Also there are concealers of these offences, the which if they con-

conceale foure and twenty houres, they are to haue nine moneths imprisonment, without baile or mainprise: and farmers and copiholders ought to lose their farmes and copiholds if they refuse to goe to suppresse such rebellion as is aforesaid.

Felonies by the Common Law.

Next, you shall inquire of felonies by the Common Law, and that is where any doth steale to the value of xij. d. or vpwards, or doth steale any marked Swannes, or their signet, or their egges, or tame Deere, or rob Churches, Chappels, Pigeon-houses or dwelling houses, or any vpon the high way, though he take but the worth of a pennie from him it is felonie, and the offendor shall dye for it, and lose his lands and goods, and so shall their accessarie.

Pettie Larcenie.

Also you shall inquire of Pettie Larcenie, and those be such as steale pigs, geese, hennes, chickins, corne out of fieldes, clothes from hedges, or out of windowes, rob orchards, or goe in theeues messages: the offendors herein are to haue corporall punishment, and so their accessaries: but they forfeit their goods if they haue any. 18.Ed.2.

Now I must tell you that all those offences which I haue already spoken of vnto you, are but onely to bee heare inquired of and presented, but not here punished, but they are to bee punished by the Iustices of the shire vpon certificate made thereof by the Steward of a Leet or Law day.

But now follow the offences which are both here to be inquired of, presented, and punished.

Affraies and Bloodsheds.

And therefore because man is the worthiest creature that God made, I will first begin to put you in remembrance of the Law made for his safety and preseruation. You shall therefore first inquire if any man within your inquirie haue broken the peace, or made any affray or bloodshed: if any haue offended herein, you must present him or them, and the maner of it, with what weapon, for that it is forfeit to the Lord of this Leet, and the offendor or offendors are to be fined for such offence.

Hue and Crye.

Nert you shal inquire whether hue and cry after theeues & robbers haue bin duely pursued and followed as they ought to haue bin or no: if not, then you must present him or them which made default therein, for he forfeits v.l.

Consto-

Constables and Tythingmen to punish Rogues.

Also you shall inquire how Constables and Tythingmen haue executed their offices in punishing of rogues, vagabonds, and sturdie beggers which haue come within their charge: for if they haue bin remisse therein, then they ought to lose 11.s. for euerie default. No man or woman may be suffered to beg by the law, nor no man or woman may giue any almes, vpon paine of 1.s. for euery time they giue.

Who are said to be rogues.

These persons by particular are said to bee by the statute rogues, viz. Procters of Spittlehouses, patent gatherers, or collectors for gaoles, prisons, or hospitals, Fencers, Bearwards, common plaiers of enterludes, Minstrils wandring abroad, glasse men, saylers, souldiers, schollers, and all other idle persons which goe about begging.

Stockes in euery Tything.

Also for the punishment of these offendors, you shall inquire if there be in euerie tything a paire of stockes, according as there ought to be by the statute or no: if there bee not, then the tything do lose v.li.

Artillerie

Artillerie to be maintained.

33.H.8.ca.9. Also you shall inquire whether euery one haue Bow and Arrowes according to the statute, or no: for euery man-child from 7. yeres olde to seuentéene ought to haue a Bow and two Arrows, and euery man from seuentéene to threescore ought to haue a bow and foure arrowes, vpon pain of vj.s.viij.d. for euery default: and parents ought to prouide them for their children, and maisters for their seruants with their wages, or else they ought to vndergo the penaltie thereof.

Buts in euery Tything.

33.H.8. And also for the exercise of Archers in shooting at times conuenient, there ought to bée buts made in euery Tything, Village, and Hamlet, or else the Tything, Village, or hamlet ought to lose xx.s. for euery three moneths wanting Buts there.

Playes or Games.

33.H.8. Also you shal enquire if any Alehousekéeper or other person do kéepe any vnlawfull games in his or their house or houses or elsewhere, as cards, dice, tables, loggets, quoits, bowles, or such like, in this case the housekeeper looseth for

for euery day forty shillings, and euery player vj. s. viij. d. for euery time.

Also Constables ought to search monethly for such vnlawfull games and disorders in ale-houses vpon paine of fortie shillings, and they may arrest such as they finde playing at vnlawfull games, and commit them to ward vntill they put in sureties not to play any more at any vnlawfull game.

No man may play at any vnlawfull game insatiably, vnlesse he can dispend C. li. p añ in lands, fées, or offices, for life at the least: and hée may not play neyther in any open place where euery one that will may sée him, but in his house, or in his Orchard or Garden, vpon paine of 6. s. 8. d. for euery time, Except in the Christmas time; for then all men may play, 33. H. 8.

Shooting in Gunnes.

Next you shall enquire of such as shoote in hand gunnes, or crosse-bowes; for no man may shoot in them vnlesse he can dispend C. li. p añ in lands, tenements, offices, annuities, or fées, neither may those shoot at any Phesant, Partridge, Hearne, Ducke, Mallard, Housedoue, Pigeon, Wigeon, Teale, or heath-cocke, vpon paine of x. li. for euery shoot. 33. H 8. ca. 6.

Also by another Law made 1. Iac. Reg. hée that shootes in a gunne, crossebow, or long bow

bow at any of the fowles aforesaid, or at anie Hare or Deere, and cannot dispend x. pound yerely in lands, nor is worth 200. li. in goods, shall forfeit xx. s. for euerie shot, which shal be to the vse of the poore of the Parish where such offence is committed, if the same bee either confessed, or proued by two witnesses, or else if the offendor bee not able to pay the said penaltie, or will not, then hee must haue three moneths imprisonment without bayle or mainprise. But if such offendor can dispend x. li. p ann̄ and more, then he shall forfeit xl. s. to the vse aforesaid, and find sufficient sureties that he shall offend therein no more.

But by the same law all such as haue plackards or licences, may kill Crowes, Rookes, Choghes, Pyes, Jeyes, Kingdoues, & other small birds for Hawkes meate onely, with a gunne, or otherwise.

Next you shall inquire whether your high waies bee sufficiently amended and made passable, as they ought to be or no, for to that end and purpose there ought to bee two Superuisors chosen in euery Parish, betweene Easter and Midsomer by the Constables & Churchwardens, and there ought to be fiue dayes appointed for amending of high wayes, eight houres euery day, vpon paine of xx. s. to bee lost by the Superuisours. And euery one that hath a cart ought to send two able men with it,

it, with toles fit for that ſeruice, or els to loſe ten ſhillings for euery day wanting: and euery houſeholder ought to finde an able man for that ſeruice, or els to loſe twelue pence for euery day wanting. And they ought moſt chiefely to amend the wayes leading to Market Townes, and they may gather ſtones in any mans ground, and alſo digge pits of ten yards ſquare in any mans ſeuerall for ſtones and rubbiſh (if it be needfull) filling the ſame vp againe, without danger of Law. And they muſt turne ſprings, if they can, out of the high wayes, and trees and hedges which hang ouer the kings high waies, muſt be cut and ſhreded vpon paine of x.s. for euery default.

Purpreſtures and Aſſarts.

Item you ſhall inquire of Purpreſtures and Aſſarts, and that is where any Wall, Hedge, Ditch, or Houſe is ſet, leuied, or abated in the Kings high way, or any water-courſe ſtopped or turned into the high way to hinder the paſſage of the Kings ſubiects, or any way annoie them. 18. E. 3.

Bonds and markes.

Alſo you ſhall inquire whether anie meare ſtones or ſtakes, bonds or markes, betweene this Lordſhip and anie other, or betweene

tenant and tenant, hath bin remoued since the last law-day or before, and not set in the vsuall place againe, if there be any which haue offended herein, you must present them.

High-wayes or foot-steps stopped vp.

Also if any high-wayes or foote-pathes to Church, Mill, or Market bee stopped or hedged vp, which haue beene accustomed to lye open; you must present him or them which shut it vp, for the Kings subiects must not bee stopped of his lawfull passage to Church, mill, or market.

Common Bridges broken.

Also if any common Bridges ouer Common Streames bee broken, that by reason thereof the Kings Subiects cannot passe about their affaires and businesses, you must present those which ought to make them, vpon a paine.

Common Pounds broken.

And also if common pounds be broken, so that they will hold no distresse that is brought to them vntill they be deliuered thence by order of law, you must present those which ought to make such pounds, vpon a paine.

Slee-

Sleepers by day, and walkers by night.

Also you shall inquire of Sléepers by day, and walkers by night, to steale and purloine other mens goods and Connies out of Warrens, Fish out of mens seuerall Pondes or Waters, Hennes from Henrouse, or any other thing whatsoeuer, for they are ill members in a Common-wealth, and deserue punishment, therefore if you know any such present them.

Eues droppers.

Also you shall inquire of Eues droppers, and those are such as by night stand or lye harkening vnder walles or windowes of other mens, to heare what is sayd in another mans house, to the end to set debate and dissention betwéene neighbors, which is a verie ill office, therefore if you know any such, present them.

Forestallers, Regraters, and Ingrossers.

Also you shall inquire of Forestallers, Regraters, and Ingrossers, euill members in a Common wealth.

A Forestaller is hée which buyeth or causeth to bée bought any victualls whatsoeuer goin-

going to any Faire or Market to be sold, and maketh anie bargaine for the buying thereof before the same be brought into the Faire or Market, or doth make anie motion for the inhancing of the price of anie victualls, or doth moue or perswade anie person comming to the Faire or market with victuals, to absent and forbeare his comming thither with anie victuall to be sold there.

Regrator is he that getteth into his hands in anie Faire or Market, anie Corne, Tallow, or Candles, or anie dead victuall whatsoeuer, brought to anie Faire or Market to bee sold, and doth sell the same againe in any Faire or Market, within foure miles next adioyning thereunto.

An Ingrosser is he or she that doth ingrosse and get into his or her hands, by buying or promise taken, other then by demise, grant, or lease, of bond or bill, of Corne growing in the Fields, or any other Corne, Graine, Butter, Cheese, Fish, or any other dead victuall whatsoeuer, to the intent to sell the same again for profit.

Their punishment.

For the first offence they ought to haue two moneths imprisonment, without bayle or mainprise, and forfeit the value of the goods bought and sold.

For the second offence they ought to haue halfe a yeres imprisonment, & to forfeit double the value of the goods bought and sold.

And

And for the third offence they ought to be set upon the Pillorie, and to lose al their goods and chattels, and bee imprisoned during the Kings pleasure.

Cattell sold within fiue weekes.

Also you shall inquire of such as vse to buy Cattell and to sell them againe within fiue weekes, they ought to lose double the value of their Cattell.

Of Butchers.

No Butcher ought to sell in any open faire or market, any other victuall then that which is good and wholesome for mans body, and for reasonable gaines, and not at excessiue prices.

Shoomakers.

They ought to make their Shoes, and Bootes of good and well tanned Leather, and wel licoured, curried, and sowed, to keepe men dry of their legges and feet. 5. Eliz.

Tanners.

Also you shall inquire of tanners that haue vsed the occupation of a corduwainer, or a cur-

rier, or that hath put any Leather to sale, but red Leather as it came from the Tanne fatte, or that hath put any Hide or peece of Leather to sale, before it bee well dryed, marked, and sorted, and then sold in open market, or that hath tanned any sheepe skins.

Glouers.

Also you shall inquire, whether Glouers, or white Tawers of Leather, doe make any other ware, than that which is good and substantiall, well tawed and dryed, and not rotten nor tainted, and sell the same at reasonable prices. And a White-Tawer may taw no Calfe Skinnes except they bee put to him to be tanned, vpon paine to lose for euerie Calfe Skinne twenty pence.

Bakers.

Also you shall inquire, whether the bakers doe their duties or not, in making of good and wholesome bread for mans bodie, of sweete corne, and not corrupted, and that they make their bread in weight, according to the price of Wheate, in three markets next adioyning, not changing the assise of Bread, but by fiue pence in weight in increasing or abating, and if they doe the contrarie, and be thereof duely conuicted, then for the first, second, and third time

time they shall bee amerced after the quantity of their fault, and shall lose from time to time their bread so found too light in weight, but if they shall bee found faultie herein the fourth time, then they must bee set upon the pillorie in open market, whose punishment may not be released for gold or siluer.

Also a Baker must set his owne proper marke upon euery loafe of bread that hee maketh and selleth, to the end that if any bread be faultie in weight, it may bee then knowne in whom the fault is.

Brewers.

Also you shall inquire of Brewers, and Typlers, whether they make good and wholsome ale and beere for mans body, or not, and sell and vtter the same according to the lawes and statutes of this Realme. And also they ought not to put out their signe or ale stake vntill their ale be alleyed by the ale taster, and then to sell, and not before. 5 H 3. 51. E. 3.

Fishers.

Also you shall inquire of Fishers, whether they doe their duties or no, in bringing to the Market such fish as is good and wholsome for mans body, and not corrupt or stinking, and there sell the same at reasonable prices, with- 25. H. 8. ca. 7. 31. H. 8. ca. 2.

out taking of any excessiue gaines, but onely for euery twelue pence bestowing one penny clære gaines ouer and besides their charges, and if any Fisher shall do the contrary, then hée shall bée grieuously amerced from time to time, and his Fish if it be corrupt and stinking to bée taken from him and openly burned in the Market.

Also no person may kill or destroy any yong Frie of Fish, in whatsoeuer Riuer, fresh or salt, nor kill or take any Salmon or Trout, or any Pike or Pickeril, not being in length ten inches of clære Fish or more, nor any Barbell except hée bée twelue inches long in clære fish or more, vpon paine of xx.s. for euerie fish so taken and killed being not of the seuerall lengths aforesaid.

Alls no man ought to fish with any Nette or Engine, angling onely excepted, but with such Netts or trannell as euery meash shall bée two inches and a halfe wide, except Netts onely to take Loches, Mennas, Butheads, Gudgions, Eeles, and none other Fish, vpon paine of xx.s. for euery time offending, & losse of the fish and the vnlawfull Nette.

Conspiracie of Victuallers.

Also you shall inquire of the conspiracie of Victuallers, and that is where any Butcher, Baker, Brewer, Poulter, or Cooke, shall or doe

doe conspire, promise, or make oath, that they will not sell their victuals but at certaine prices, or if any artificers, or labourers doe conspire, promise, or couenant likewise not to doe the worke which others haue begun, or will do but certaine worke in a day, or will not worke but at certaine houres and times, then euery such person so conspiring, promising, swearing, and offending, being thereof lawfully conuicted, shall forfeit for the first offence x. li. if hee haue it to pay, then he must pay it within six dayes after his conuiction, or els he is to haue twentie daies imprisonment, & haue onely bread and water for his sustenance, and for the second offence xx. li. to be paid as is aforesaid, or else to suffer punishment on the Pillorie, and for the third offence, he shall lose xl. li. to bee payd as is aforesaid, or else to be set vp. on the Pillorie, and lose one of his eares, and euer after to be taken as an infamous person, And if such conspiracie shall happen to bee made by any Companie or Corporation, they shall lose their Corporation, besides the penalty and the particular punishment aforesaid. 2. E. 6.

False Waights and double Measures.

Also if any within your inquirie, shall vse any false weights or double measures in deceiuing of the kings subiects in buying with a 5 H. E. 3.

great measure, and in selling with a lesse, the offendor thereof therein shalbe grieuously punished and imprisoned vntill he hath made fine with the king for his offence.

No man ought to sell any corne, ale, bread, or wine, but by a measure sealed with this letter H. vpon paine of forfeiture for the first offence 6. s. 8. d. for the second offence 13. s. 4. d. and for the third offence, twenty shillings, & to be set on the pillorie, to the example of others; and the measure not sealed to bee broken, all which forfeitures are to the Lord of the Liberties where such offence is committed, and if it be in a citie, or borough, then it is to the maior and comminaltie.

1. Iacob. Also you shall inquire of such as vse to trace Hares in the snowe, or to kill Hares with harepipes, or other engines, by an olde Law they forfeit six shillings eight pence, for euery Hare so killed, but by a latter law made in the first yeare of the K. that now is, twenty shillings.

No Lay man may lawfully keepe any Greyhound, or Hunting Dogge, Ferits, or Nets, vnlesse he can dispend fortie shillings per annum, Freehold: nor no Spirituall man, vnlesse he can dispend ten pound per annum, of spirituall promotion, vpon paine of a yeares imprisonment.

Crow

Crow nette.

Next you shall enquire if there be in euerie Parish & Tything within your inquiries a crow net, prouided to kill and destroy crowes, rooks, and choughes, according to the statute, or no, if there be not, they ought to lose x.s. for euery default, and it is not enough to haue one, but it must be vsed, and scrapes made in the winter to that purpose, vpon the like paine, but house-doues and pigions may not in any case be taken with it. 5. Eliz. 5. Iacob.

Apparrell.

And you shall inquire of such as excede in apparrell contrary to the stat. for no man except he may dispend xx.li. yearely in lands for his life at the least, or is worth 200.l. in goods ought to weare any silk on his hat, hose, shoes, girdle, scabberd, or spurleathers, vpon paine for euery dayes wearing of it x.li. and three months imprisonment: and if any man know his seruant to offend herein, and doe not put him away, and not take him againe within a yeare after, doth forfeit C.li. for euery such offence by the same stat. & these persons only are excepted out of the stat. viz. The Kings Councell, the Barons of the Exchequer, Iudges of the Law, Serieants at law, the K. Phisitions, Maiors and Recorders of cities and townes corporate, and their wiues. 24. H. 8.

Refuse to goe to muster.

Also you shall inquire if any haue refused to goe to Musters, if there be any such they ought to lose xl.s. and to haue ten daies imprisonment.

Also no man ought to water any Hempe or Flax in any running streame, vpon paine of twenty shillings.

41. E 4. fo. 26. Also you shall inquire if any man haue receiued into his seruice any seruant, and hath kept him by the space of a yeare, & not sworne to the King according to the statute, his Master must be amerced, and the minister ought not to receiue any man to the Communion table before he be sworne to be a liege man to the King.

Drunkards.

1. Iacob. Also you shall inquire of Drunkards, for they ought to be presented, and to pay if they be able for euery time they be drunke v. s. to the vse of the poore of the Parish where the offence is committed, if not able, then after conuiction thereof, they ought to sit fiue houres in the Stockes.

1. Iacob. Also an Alehouse keeper ought to lose xx. s. for

for euery pot they sell that is not a full quart, and v.s. for suffering any Townesman to sit drinking in their houses, except he be brought thither by a stranger, and then hee may not stay there aboue one houre.

And Brewers by the same Law ought to lose for euery barrell of beare or ale 6.s.8.d. which they lay into any mans seller to be sold there by retaile by any that is not licenced to sell Ale or Beare.

Waifes, straies, and felons goods.

Also you shall inquire of wayfes, strayes, and felons goods, wayfes are Cattell stolne and weiued out of the possession of him that stole them, and straies are cattell straied out of their haunt, and they ought to be seised vpon to the Lords vse, and to bee weathed and put into an open place, and not in a couert, to the end the owner may haue the view of the, and they must be cryed at three market townes next adioyning to the place where they are straied, and if they be not challenged within a yeare and a day, then they belong to the Lord of the soile where they are, by the Law, otherwise not. 18.E.2.

Which is all manner of felons goods which may (presently after the felonie is knowne to be committed) be seised vpon, but not taken away but left with the township, for the felon

lon must haue his finding out of it so long as he lines vnconuicted or attainted, but when hee is conuicted or attainted, his goods then properly belong to the Lord of the Læt, if hee haue words for it in his Charter, otherwise they belong to the king.

Treasure troue.



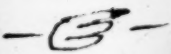
Also you shall inquire of Treasure troues, either vpon the ground, or within the ground: for if any hath beene found within the iurisdiction of this Court, it belongs to the Lord of this Læt or Law day.

Mortmaine.

Also you shall inquire if any man hath giuen any lands in Mortmaine, that is, to any Religious house, or Religious person, or to any Corporation, Guild, or fraternitie, without licence, such gift is void, and the lord may enter by way of Escheat.



Also you shall inquire if the paines laid at the last læt or law day be performed or no, if not, then you must present them that haue made default, and then those paines must bee read to the Iurie.



And to conclude, if there shall any other thing come to your knowledge méete to bee presented, and by any omitted to bee giuen in charge,

charge, you shall as well inquire thereof, and present it as the rest.

Then cause the Bailife to make three Proclamations, and say thus: If any man can informe the steward of this leete, or his inquest of any pettie Treason, Felonie, pettie Larcenie, breach of Peace, or of any other matter or thing now given in charge, let them come forth and they shalbe heard.

And if any doe come in, then sweare them thus: that the evidence which they shall giue, shall be the truth, and the whole truth, and nothing but the truth, so God them helpe, and the contents of this booke, then adiorne the Court till after dinner.

Then at your returne from dinner, call all the Tythingmen and take their presentments.

And then that done, take the presentments of the Jurie, if they bee ready with them, or else giue them a day to bring in their presentments, and then commonly is the best seruice done.

Then sweare all the officers to their seuerall offices that are then and there to be sworne.

Then adiorne the Court vntill the day giuen to the Jurie to bring in their presentments, but if they haue no day giuen them you may discharge the Court by Proclamation thus: videlicet, according as other Courts are discharged.

Then

When at the day when the Iurie deliuers in their presentments, you must first call them by their names, to see if all be there or no, and then aske them if they be agreed of their presentments, if they say they be, then receiue their presentments in writing in English, vnder their hands, for the Stewards warrant, and the Steward must turne them into Latin in this manner, not altering the substance thereof. viz.

Petite Treason.

IN primis, Iur predict dicũt & present super eorum sacramentum quod R. S. de A. gener apud A. infra iurisdictiõ hui⁹. Cur vt felo domini regis cent Angelos aureis & tresced grossos falsè & felonice excudebat & fabricabat litteris patentibus dñi regis inde prius nõ obtent contra pacem dicti dñi regis nunc corcñ & dignitat suas contra formam statuti in huiusmodi casu edit & prouis.

Felonie comburiend' dom⁹.

Item present quod quidam T. D. de I. yeoman tali die &c. apud I. infra iurisdictionem huius Cur vi & armis &c. voluntarie ac felonice ex malitia sua præcogitat domũ cuiusdam I. S. combussit contra pacem dñi regis ideo pcept est balliuo seisiri omnia terr tenet bona

&

& catalla ſua vt reſpondeat de ijſdem dom̃ huius manerij.

Felon.

Item preſent̃ quod W. P. de I. præd̃ Laborer, tal' die &c. apud A. infra iuriſdictionem huius Cur̃ vi & armis &c. ac contra pac̃ dom̃ regis clauſ. cuiuſd̃ A. B. apud I. prædict̃ fregit & intrauit & vnam tunic̃ biſſeam voc' Satten coloris nigri de bonis & catallis p̃d̃ A. adtũc & ibid̃ inuent̃ felonice cepit & aſportauit ide prec' eſt balliuo ſeiſire vt ſupra.

Acceſſarie.

Item preſent̃ quod W. S. de I. predict̃ yeoman, infra iuriſdictionem huius Cur̃ conſultauit, inſtigauit, procurauit, comfortauit & abbettauit quẽdam H. W. &c. vnam vaccam coloris nigri precij xxx. s. de bonis & catallis cuiuſdã E. F. adtũc & ibid̃ inuent̃ felonice furare, capere, & abducere, ac p̃d̃ L. virtute conſultationis, inſtigationis, procuratioñ, confortationis, & abettationis p̃d̃ W. S. pred̃ vaccam tali die &c. anno &c. felonice furatus fuit cepit & abduxit.

Rape.

Item preſent̃ quod A. B. de I. yeoman tali die

die &c. apud I. infra iurisdictionem huius Cur clausum & domũ cuiusdam C.D. fregit & intrauit & in quandam K.C. filiam &c. in pace dei & dom̃ regis existen̄ insult̄ fecit & ipsam vi & armis adtunc & ibidem cont̄ voluntat̄ suam rapuit & eam carnaliter cognouit contra pacem &c.

Felonie.

Item presen̄t quod A.B. de I. p̄d̄ yeom̄ tali die &c. apud I. infra iurisdictionē huius Cur circa horā nonā in nocte eiusdem diei domũ & mansionem cuiusdam C.D. vt felo domini regis fregit & intrauit ea intentione ad spoliand̄ predict̄ C.D. & sex Angelos aureos de bonis & catallis predict̄ C.D. adtunc & ibidē in quadam cista existentes felonice cepit & asportauit contra pacem, &c.

Robberie.

Item presen̄t quod E.F. de I. præd̄ Laborer, tal' die &c. apud I. infra iurisdictonē huius Cur vi & armis, ac contra pacem &c. in quendam T.B. apud &c. infra iurisdictionem huius cur in regia via ibidem in pace dei & domin regis existētem insultum fecit & ipsum T.B. adtunc & ibidem spoliauit & sexdecim solidos & vnum Angelum aureum de bonis & catall' p̄d̄ T.B. in quodam marcipio suo adtunc

adtunc & ibidem exiſteñ a perſona ipſius T. feloñ cepit & aſportauit contꝫ pacẽ dñi reg. coroñ & dignitat̃ ſuas &c.

Huteſſius.

Item preſent̃ qđ predict̃ T.B. exiſteñ ſpoliat̃ leuabit magnam Huteſſ. & proclamationẽ & prædꝫ E. F. tanquam felo dict̃i dom̃ regis dict̃. die & anno a p̃đ loco vbi ſic ſpoliat̃ fuit recenter inſequebatur vſquẽ ad p̃đ villam de &c. & ꝙ nullus inhabit̃ ibidem p̃ꝺ feloñ ſuper huteſſ. p̃đ inſequebatur & ſic prædꝫ felo euaſit in dict̃i dom̃ regis contempt̃, ac contra formã ſtat. de Wintoñ in huiuſmodꝺ caſu ædit̃ & ꝓuiſ. ideo p̃đ villa de &c. in miſ. &c.

Fugam fecit.

Item preſent̃ quod E. L. de I. prædict̃ yeoman tali die & anno &c. apud I. infra iuriſdictionẽ huius cur̃ quendam ſpadonẽ coloris albi p̃cij &c. de bonis & catallis cuiſdã A. B. in communi campo ibidem exiſteñ felonice furat̃ fuit cepit & abduxit. Et quod prædꝫ E. L. ꝓ felonia prædꝫ ſe retraxit & effugit, ideo præcept̃ eſt balliuo ſeiſire duas vaccas de bonis & catallis p̃đ E. L. tanquam eſcaet̃ & domino forisfact̃, Et quod ſaluo cuſtodiãtur ad vſũ dom̃ vel ſic ſi ſit pro rege ad vſum dom̃ regis.

Eſcape.

Escape.

Item presentꝫ quod cum quidã B.R. de I pdꝫ yeoman captꝫ fuit & arrestatꝫ pro suspitione cuiusdam felonię & in cippis positꝫ quidã I. F. de I. pdꝫ Laborer tali die & anno &c. apud I. prædꝫ cippos vi & armis ac felonice fregit & pdꝫ B.R. adtunc & ibidem euadere & ad largũ ire permisit contra pacem, Ideo præceptꝫ est balliuo vt prius &c.

Felon' in Rescuss.

Item presentꝫ quod T.I. de I. pdꝫ infra iurisdictionem huius curꝫ vnũ vitulum precij &c. de bonis & catallis cuiusdã I.B. adtunc & ibidẽ inuentꝫ felonice cepit & asportauit. Et qdꝫ W.Q balliuus manerij pdꝫ tali die & añ &c. apud I. prædꝫ. prædꝫ T.I. pro suspectꝫ felonię prædictꝫ arrestauit & quod W.F. de I. Laborer vi & armis &c. apud I. predꝫ dictꝫ die & anno in prædꝫ W.Q. in pace dei & dicti dom̃ regis existeñ insultum fecit & prædꝫ T.I. in custodꝫ prædꝫ W. adtũc & ibm̃ felonice cepit arripuit & rescissit & ad largum ire permissit contra pacem &c. Ideo præc' est vt supra &c.

Felon' Columbar'.

Item presentꝫ quod A.B. de I. predꝫ yeoman, tali

tali die & añ &c. apud I. infra iuriſdictoñ huius cur̃ circa horam primã in nocte eiuſdẽ diei quoddã colũbare cuiuſdã &c. fregit & intrauit & quadraginť columbas præcij &c. de bonis & catall' &c. feloñ cepit & aſportauit cõtr̃ pacem &c. ideo &c.

Felon' damæ Domeſticæ.

Item preſenť qd̃ I. W. de I. predict' generoſ. tali die & anno &c. apud I. infra iuriſdictionem huius cur̃ quandã damam domeſticam & gerenť caperanam circa collum ſuum præcij &c. de bonis & catallis cuiuſdam &c. adtunc & ibidem inuenť felonice cepit & aſportauit contra pacem &c. Ideo præc' eſt balliuo vt ſupra &c.

Felon' trunco fract'.

Item præſenť quod I. L. de I. præd̃ yeoman tali die &c. apud I. prædict' infra iuriſdictionẽ huius Cur̃ circa horam primã in nocte eiuſdẽ diei quendam truncum cuiuſdam &c. fregit & intrauit & decem piſces vocať Pykes, præc' &c. de bonis & catall' p̃d̃ &c. a trunco eiuſdẽ &c. adtunc & ibid̃ felonice cepit & aſportauit contra pacẽ &c. ideo &c.

Pettie Larcenie.

Item præſenť qd̃ P. I. de I. præd̃ yeoman

tali die &c. clauſum cuiuſdam &c. apud I. fregit & intrauit & vnum mantil' voc' a Towell valoris vj.d, de bonis & catall' predict' &c. adtunc & ibid' inuent' felon cepit & aſportauit Ideo &c.

Venditio in cemiterio.

Item preſent' quod W.B. & T.B. de I. præd' Carnifices tali die &c. infra pcinct' viſ. Franc' Pleg. poſuerũt carnes ſuas & alia venalia in eccleſia & cemiterio de I. præd' ad vendendum eaſd' que vbi diuina Seruitia celebratur & humana corpora ſepiliunt' vendider' cõtra form ſtat' de Wint' in hmõdi caſu æditt' & puiſ. ideo ipſi in miſericordia &c.

Catalla Waiuiat'.

Item preſent' qd quidem M.S. veniebat infra iuriſdictionẽ huius cur' & huc attulit quedã bona & catall' p ipſum furat' viz. vnũ inducen lineñ valoris &c. diuerſis alijs veſtamẽt Anglice *One Smocke, one Petticote, and one ſhirt,* quæ omnia præd' valent' xx. s. & non amplius & que omnia & ſingula huc p præd' M. allat' & eadẽ M. hic infra iuriſdict' huius manerij illa wauiauit reliquit & aufugit per quod omnia bona & catalla præd' peruenerũt domiñ iſtius manerij ſuper qd' præcept' fuit balliuo ſeiſire in manus dom' tãquã eſcaet' & domino forisfact.

&'

& sic fecit & bona & catalla p̄d̄ fuer̄ deliberat̄ domiñ in ista cur̄.

Communis finis.

Item dic' quod dant domiñ de certo pro commune fine ad hunc diem ex antiqua consuet̄ 6.s.8.d.

Defalt' decenar'.

Item presentat̄ super eorum sacramen̄t quod I.R.R.W.& I.W.sunt refiantes infra p̄cinct' vis.Franc.Pleg.predict.Et ad hunc diem fecer̄ defalt̄, ideo quilibet eorū in mia prout patet super eorum capit̄.

Non iur' in decin'.

Item presentat̄ quod R.W.2.d.W.F.2.d.R. B.2.d.W.G.2.d. inhabitauer̄ infr̄ p̄cinct̄ huius vis.franc' pleg. p̄ spac' vni' anni & diei & amplius,& non iurantur dom̄.reg. plegiancia sua id. quilibet eorū in mia prout patet super eorum capit̄.

Nocument' aquæ.

Item præsentat̄ qd R.C. de I. præd̄ yeoman, diuertit cōem cursum cuiusdam Riuole ducen̄ p̄ dom̄ cuiusd̄ T.H.extr̄ recr̄ curs, quo solebat

currer̄, Ideo prec' est ei dimittere riuol' ill' currere in suo recto & pristino' cursu citra festum &c. sub pena &c.

Nocument' frondes.

a nuzance of boughes of the high wayz

Item præsent quod est quæd̄ sepes de magna cressitudine & p̄ frondes inde, pendent vltra venellam voc' Kings lane ad nocumēt carriag' vltra eandē venellā carriand̄ in defect W. C. ideo præc' est ei succindere siue amputar̄ sepes ill' cirfest' &c. sub pœna &c.

Noccument' guttura.

Item presen̄t quod est quedā guttura ducēs a domo siue coquina T.I. per quā sordida siue aqua fetosa dict. coquina est conduct. in regiā viā ad graue nocumen̄t regiæ vię & omniū carriag. vltra eandē carriand̄ p̄ popul' dom̄ regis, ideo p̄c' est ei amouere siue obstupare ill' citra fest' &c. sub pœna &c.

Communis via.

Item presen̄t quod communis via ducēs per campū voc'le Prebends field, est cōis via adducend̄ & equitand̄, & sic vsa fuit a tempore cuius contrar̄ memoria hominis non existit, Et q̄ port & pons existen̄ vltra vlteriorē pon̄t debent esse manutener̄ & custod̄ per ter̄ ten̄, & modo

modo non ſunt, ideo præc' eſt terr̃ teneñ eand̃ portã & pontem emandare & reficere ante feſtum &c. ſub pœna &c.

Nocument' Sterquilini.

Item præſenť quod R.W. erexit quoddam Sterquiliñ aduerſus domum ſuam prope regiam viam ad nocumenť popul' domñ reg. ideo præc' eſt ei amouere & abſcariare ill' citra feſt,&c.ſub pœna &c.



Nocument' foſſat.

Item preſenť quod eſt quodd̃ foſſať inſcurať & immundať in defect' R.S. ad nocumenť &c.ideo ipſe in miſericordia 12 d. Et præcept eſt ei eſcueř ſiue inundare ill' citra feſt'&c.ſub pœna &c.



Hoſpitatrix meritricium.

Item præſenť qd̃ A.B. vidua eſt cõmis hoſpitatrix & receptrix meritriciũ & mulieř malæ famæ & conuerſationis ad graue nocumeť vicinorum ſuorum,ideo amerciatur 2.s.

Obiurgatrix.

Item preſenť quod N.C.vidua eſt cõmis obiurgatrix cũvicinis ſuis & cõmis fractrix ſepiũ

& cuſtodit quend W. C. filium ſuum in domo ſua, Et ipſe non eſt de bona fama ſiue gubernationis, ideo ipſe in miſericordia prout patet ſuper &c.

Treſpaſſe.

Item præſent q d quidã A.B. ſeruiens W.C. ball' dom vt fuit deducẽs cert catall' cuiuſd R. G. vſque ad parcum dom ibidem imparcare, venit quidã D.P. cũ violenc' magna in parcũ ꝑ ~~paid~~ cum vno gladio valor 5. s. & adtunc & ibm ꝑd A.B. ꝑcuſſit cũ eod gladio ſup caput eius, & effudit ſanguiñ ſup eundẽ A.B. occaſione cuius ꝑcuſſionis ꝑd B. ceeidit ad terr quaſi mortuus eſſet, Ideo ꝑd D.P. in mĩa, & affer per capital' pleg' ad 5. s.

Treſpas & verberatio.

Item præſent quod I.S. fecit affraiam infra iuriſdictiõ huius cur, & traxit ſanguinẽ, Ideo ipſe in mĩa 6. s. 8. d.

Defalt' de Conſtabl'.

Item præſent qd W. G. eſt Conſtabular, & non eſt hic ad viſ. franc' pleg' ad preſentãd id quod ad officium illud ꝑtinet ſed fecit defalt, Ideo ipſe in mĩa 3. s. 4. d.

Common

Common appretiatores.

Item preſent̄ qd̄ R.B.& W.G. ſunt cōmunes appreciatores, & debent eſſe hic ad p̄ſentand̄ id q̄ ad offic' illud p̄tinet & fecer̄ defalt̄, ideo ipſi in mia 3.s.4.d.

Scrutores vitul' defalt'.

Item preſent̄ qd̄ R.B.& C.D. ſunt ſcrutator̄ victual' & eſſent hic ad viſ.franc' pleg'ad preſentand̄ id q̄ ad offic' illud p̄tinet & fecer̄ defalt̄,ideo vterq; eorū in mia 2.s.

Eſcoratores vicorum defalt'.

Item preſent̄ quod T.I.& W.I. ſunt eſcoratores vicorū, & debent eſſe hic ad viſ. franc' pleg. & fecer̄ defalt̄, ideo vterque eorum in miſericordia 6.d.

Extrahura.

Item p̄ſent̄ ſup eorū ſacr̄m,q̄ xx. die Maij, añ regn̄ &c.veniebat infra dominiū iſtud, vn' equ' color̄ gray de extrahura & remanit in cuſtod̄ X.D. ad proclamand̄.

Item preſent̄,qd̄ eſt vnus Pullus color̄ bey, ætatis quatuor ann̄ ſiue plus qui veniebat infra dominium iſtud extrahura 9.die Septembris,

anno regni &c. præcij 24 s. & remanſit in cuſtod balliui per ſpaciū vnius anni & vnius diei poſt tres proclam̄ per tres ſeperales dies fact̄ ſecundū formam ſtatuti, ideo proprietas eiuſdem Pulli eſt in dño.

Piſtor in miſericordia.

Item preſent̄ qđ W. M. 12. d. & R. B. 12. d. ſunt cões piſtores humani panis & per diuerſas vices pinſuerunt panē inſalubrē, & fregeř aſſ. ideo vterque eorum in mīa prout patet ſuper eorum capit̄.

Brachiat' in miſericordia.

Item præſent̄ quod R. W. 12. d. & I. D. 12. d. ſunt cões bracietores ceruiciæ, & braciaueř per diuerſos vices ceruiciam inſalubrē, & fregeř aſſ. ideo quilibet eorum in miſericordia prout patet ſuper eorum capit̄.

Tipulator' in miſericordia.

Item preſent̄, quod E. W. 12. d. & W. X. 12. d. per eorū vxoř ſunt cões tipulatoř ceruic', & per illicitas menſuras vendiderunt ceruiciā. & f regeř aſſ. ideo vterq; eorū in mīa prout patet ſuper eorum capit̄.

Pœna

Pœna ponit'.

Inprimis ordinat̃ eſt, q̃ R.B. faciat & eſcorat foſſat̃ ſuũ apud inferiorẽ finẽ de great hill field contiñ p eſtimat̃ xx. particat̃ citra feſt' Natiuit̃ ſancti Io. Bapt. prox' futur̃ ſub pœna pro quolibet particat̃ inde 8.d.

Pœna.

Item ordinat̃ eſt, qđ T.M. reformat & exponat quand̃ parcell' terræ nuper per illum incrochiat̃ inter waſh lane & Pickham common, ante feſtum omnium ſanct' p̃x' futur̃ ſub pœna, quolib. particat̃ non reformat̃ atq; expoſit̃ 20.d.

Pœna.

Item ordinat̃ eſt, quod nullus p̃mitt̃ aueria ſua, viz. boues vel vaccas ſuas trãſire & paſcere ſuper communiam huius domini, ſed in venellis eidem manerio pertiñ abſq; cuſtod̃ ſub pœñ forisfact' dom̃ per quemlibet eorum p̃ quolibet tempore 2.d.

Pœna.

Item ordinat̃ eſt, quod W.I. amoueat Sterquiliniũ ſuum iaceñ per regiam viam aduerſus domum ſuum ante feſt' Paſch. prox. ſub pœna

foriſ-

forisfact' decem solid' domiñ huius manerij.

Pœna.

Item ordinat' est, qd I.F. fac' & manuteneat pontem in clau. suo voc' great Colmans, in via ducen at Alton vsque W. sub pœna forisfaciend' dom̃ x. s.

Pœna.

Item ordinat' est, quod quilibet iugulat vel anulat porcos suos ante festum sancti Michaelis Archangeli ꝓxim̃ & eos'd' seruaret sic iugulat siue anulat vsq; ad festum sanct' Iohañ Baptist. tunc ꝓx' sequen. sub pœna forisfact' domino pro quolibet porco pro qualibet septimana tres solid' & quart' denar'.

Then there rests no more to be done at a Leete or a Law-day, but to minister to euery officer his particular oath, and first the maiors oath, if there be one there, and that must be thus:

The Maiors Oath.

YOu shall sweare that you well and truely shall serue our soueraigne Lord the King, and his liege people in the Office of a Maior, and as Maior of this towne and borough of P. for and during the space of one whole yere now next insuing, and you shall minister equall iustice as well to the poore as to the rich,

rich, to the best of your cunning, wit, and power, and ye shall diligently procure such things to be done, as may honestly and iustly be to the profit and commoditie of the corporation of this towne, and alse indeuour your selfe to the vttermost of your power to sée all Heresies, Treasons, Felonies, and all other Trespalles, Misdemeanors, and Offences whatsoeuer to bée committed within this towne and borough, during the time of your office, to be repressed, reformed, and amended, and the offendors duly punished according to the law. And finally you shall support, vphold, and maintaine the Commou wealth within this towne, prescribed cuttomes, rights, liberties, iurisdictions, franchises, compositions and all lawfull ordinances of this towne and borough, and as concerning all other things appertaining to your office, you shall therein faithfully and vprightly behaue your selfe for the most quietnes, benefit, worship, honestie, and credit of this towne, & of the inhabitants thereof, so helpe you God, and the holy contents of that booke.

His Oath for the Supremacie by the statute of 1. Eliz. & 1. Iac. Regis.

oath of supremacie

I A. B. doe here testifie and declare in my conscience, That the Kings highnelle is the onely Supreame gouernour of this Realme, and

and of all other his highneſſe Dominions and Countries, as well in all Spirituall or Eccleſiaſticall things or cauſes, as Temporall, and that no forreine prince, perſon, prelate, ſtate, or potentate, hath or ought to haue any iuriſdiction, power, ſuperioritie, preheminence or authoritie eccleſiaſticall or ſpirituall within this Realme, And therefore I doe vtterly renounce and forſake all forreine iuriſdictions, powers, ſuperioritie, and authorities whatſoeuer, and doe promiſe that from henceforth I ſhall beare faith and true allegeance to the Kings highneſſe, his heires and lawfull ſucceſſors, and to my power will aſſiſt & defend all iuriſdictions, priuiledges, preheminences and authorities granted or belonging to the Kings highneſſe, his heires, or ſucceſſors, or vnited and annexed to the imperiall Crowne of this realme, ſo helpe me God, and the contents of that booke.

The Oath of the Recorder.

YOu ſhall ſweare that you well and truely ſerue our ſouereigne Lord the King and the maior, aldermen, and burgeſſes of this towne and borough of P. in the office of Recorder, and as the Recorder of this towne and borough of P. ye ſhalbe faithfull and iuſt, and giue good aduiſe and councell vnto the maior, aldermen, and burgeſſes of this towne, for

and

and concerning any matter or cause that shall concerne or touch the franchises, liberties, and good orders of this Towne, whensoeuer they shall require or desire you so to doe, yee shall not vtter or disclose any of their secrets or counsell, touching the Fellowship or Corporation of this towne, whereby any preiudice, losse, or hinderance, or slander, shall or may arise, grow, or be to the same corporation: and further yee shall doe to your power, will, and cunning, all and euery thing that shall appertaine to your office for the most benefit, worship, and credit of this towne, and of the inhabitants thereof, So help yee God and the contents of this booke.

Ye must also take the Oath appointed by statute for the Maior for the Supremacie.

The Oath of the Towne Clerke or Steward.

YOu shall sweare that you well and truely shall serue the Maior, Aldermen, and Burgesses of this Towne in the Office of Steward and Towne Clerke of this Towne and Borrough of P. and truely to see all Plaints, Actions, Proces, and matters in the Courts to be holden before the Maior, Aldermen and Burgesses of this Towne, and by you or your sufficient Deputie, according to the Custome and Liberties of this Towne,

to

to be entred and recorded as they ought to be, after the best of your cunning, wit, or power, taking for the same your due fees, and the perquisits, issues, profits, and amerciaments of the same Courts, you shall iustly and truely write and extract yearely, for the leuying and gathering thereof, and you shall truely and diligently doe and accomplish all other things appertaining to your said office after the best of your knowledge, as nere as God shall giue you grace, So help you God and the contents of this booke.

Ye must also take the Oath appointed by the statutes for the Supremacie.

The Oath of the Coroner if there be any.

YOu shall sweare, that you well and truely shall serue our soueraigne lord the king, and his liege people in the office of a Coroner, as Coroner of this towne and borough of P. and ye shall diligently and truely doe and accomplish all and euery thing and things appertaining to your Office, after the best of your cunning, wit, and power, for the most quietnes, profit, ease, and credit of this towne, and the inhabitants thereof, taking such fees as you ought to take by the lawes & statutes of this realme, so helpe ye God, and the contents of this booke.

Ye

Yée must also take the Oath aforesaid for the Supremacie.

The Oath of the Receiuers.

YOu shall sweare that you well and truely shall serue the Maior, Aldermen, and Burgesses of this Towne of P. in the Office of Receiuorship, and as Receiuors of the same Towne for and during the space of one whole yeare, now next insuing, and yée shall reasonably and honestly procure the profit of the Corporation of this Towne in those things which touch your Office: and yée shall also well and truely collect, leuie, and gather all and all manner Rents, Reuenues, Casualties, Duties, and Profits belonging vnto the said Office, and the same shall truely pay and deliuer, and true declaration and accompt thereof make at the time appointed for payment and accompt thereof to bée made without concealment: and further you shall diligently giue attendance to the Maior of this Towne and Corporation according to ancient custome, and euery other thing belonging to your office, you shall well and truely doe and accomplish to the best of your skill or power, so helpe yée God, and the contents this booke.

The

The Oath of the Chamberlaine and generall Receiuer.

YOu shall sweare that you well and truely shall serue the Maior, Aldermen, & Burgesses of this towne and borough of P. in the offite of Chamberlaine or generall receiuer of this town, and therin shall you do right to all manner of people both poore and rich in those things which touch your office, the receit of the money due or belonging to the maior, aldermen & burgesses of this town and corporation, you shall truely and safely keepe & haue alwaies in a readines to the vse & behoof of the corporation of this town whensoeuer occasion shall serue, and not waste or dispend the same, but make true declaration and account thereof, when you shalbe thereunto required without concealement, according to the credit and trust to you committed in this behalfe, so God you helpe &c.

The Oath of a Burgesse.

YOu shall sweare that you well and truely shall serue our soueraigne Lord the King, his heires and lawfull successors, and the Inhabitants of this Towne and Borough of P. as one of the Burgesses of this towne, and shall minister equall iustice to poore and rich

tich, after the best of your cunning, wit, and power, and also shall well and truly obserue, perfo:me, fulfill, and kæpe all such good o:ders, rules, and compositions, as are o: shall bee made, o:d:ed, o: established by the Common-Councell of this Towne, fo: the good gouernement thereof in all things to you appertayning, and you shall not vtter o: disclose any councell o: secret thing o: matter, touching the Fellowship o: Co:po:ation of this Town, whereby any p:eiudice, losse, hinderance, o: slaunder shall o: may arise, grow, o: bee to the same Co:po:ation, but you shall in all things belonging to the Fellowship and Co:po:ation of this Towne, faithfully, honestly, and indifferently behaue your selfe fo: the most benefit, wo:ship, and honestie of this Towne, and the Inhabitants thereof: So God you helpe, &c.

The like Oth is to be ministred to an Alderman, mutatis mutandis.

The Oath of the Constables.

YOu and either of you shall sweare, that you well and truely shall serue the Kings Maiestie, and the Maio:, Aldermen, and Burgesses of this Town and Bo:ough of P. in the office of Constableship, and as Constables of this Towne, fo: and during the space of one whole yeare now next insuing, you shall en-

deauour your selues to the vttermost of your powers, to see the Kings Maiesties peace to be kept, and watch and ward obserued and kept in this town, as hath beene accustomed, and as it ought to be: likewise you shall indeuour your selues to learne and vnderstand the contents of the statute of Winchest. and diuers other lawes and statutes of this realme, made for the punishment of rogues, vagabonds, and sturdie beggers, haunting and resorting within the precinct of your office, and punish the offendors accordingly. Also you shall punish all such persons as do or shall play at any vnlawfull games, according to the stat. in that case made and prouided. You shall also haue regard for the maintenance of Artillerie within your said office, and that you shall doe and accomplish to the vttermost of your powers. So helpe you God, &c.

The Oath of the Serjeants.

YOu and either of you shall sweare, that you well and truely shall serue the Maior, Aldermen, and Burgesses of this town, in the office of a Serieantship, and as Serieants of this towne, for and during the space of one whole yeere now next comming: and you shall well and truely serue, doe, and execute all and all manner precepts, warrants, and commandments to you and either of you to be lawfully giuen

giuen & directed, touching or concerning any matter, cause, or proces, to be mooued, had, or depending in the K Maiesties court, to be holden within this towne, according to the liberties thereof, or at large; and shall make due returnes and answers thereunto, and make Certificate thereof according to the effect of such Precepts, Warrants, and commandements, taking therefore your ordinary fées, and none other: And also you shall diligently giue attendance vnto Maister Maior, & waite on him, as hath béene accustomed, and as you ought to doe, and his commandements and messages truely to doe and say, and not alter the same, so that it may be preiudiciall or hurtfull vnto the said Master Maior, or any other: and likewise you shall giue attendance and be aiding and assisting vnto the Constables of this towne, in any thing that they or either of them shall reasonably and lawfully command or will you to doe: and you shall diligently and truely do all other things appertaining to your said office, to the vttermost of your power. So helpe you God and the contents of this Booke.

The Oath of a Freeman.

YOu shall sweare that you shall bée true liege man, and true faith and truth beare to our Soueraigne Lord the King, his heires,

and lawfull succeſſors, and to your power ſhall aide and aſſiſt the Maior and other officers of this towne for the time being, and to them ſhall be obedient and attendant concerning ſuch things as they or any of them ſhall lawfully and reaſonably will or command you to doe: you ſhall alſo well and truely obſerue, performe, fulfill, and keepe all ſuch orders and rules as are and ſhall be made and eſtabliſhed by the Common Counſell of this towne, for the good gouernment thereof, in all things to you appertaining: you ſhall alſo giue, yeild, and be contributary to and with the Corporation of this towne, ſo far forth as you ought or ſhall bee chargeable to doe, and you ſhall not by colour of your freedome beare out, or couer vnder you any forreine perſon or ſtranger, but according to the beſt of your ſkill, wit, cunning and power, you ſhall vphold and maintaine all the Liberties, Franchiſes, good cuſtomes, orders, & vſages of this towne and corporation. So helpe you God &c.

The Oath of the Tythingman or pettie Conſtable.

THe Oath of the Tythingman or pettie Conſtable is in all points as the Oath of the Conſtable mutatis mutandis, ſauing further that the Tything man muſt be ſworne to be attendant on the Conſtable when hee ſhall execute his office, being thereunto required.

The

The Oath of an Aletaſter.

YOu ſhall ſweare that you ſhall well and truely ſerue the Kings Maieſtie, and the Lord of this Leet in the office of the Aletaſter, or Aſſiſor of this Libertie and Hundred for this yeare to come: you ſhall duely and truely ſee from time to time that the bread brought to be ſold be truely waighed, and that the ſame do containe ſuch weight, according to the prices of wheate, as by the ſtatute in that behalfe is prouided: likewiſe you ſhall haue diligent care during the time of your being in office, to all the Brewers and Tiplers within your office, that they and euery of them do make good and holeſome Ale and Beere for mans body, and that the ſame be not ſold before it be aſſayed by you, and then to bee ſold agreeable to the prices limited and appointed by the K. Iuſtices of Peace, and all faults committed or done by the bakers, brewers, or tiplers, or by any of them, you ſhall make knowne, and preſent the ſame at this Court, whereby due puniſhment may bee inflicted vpon them for their offences accordingly, and in euery other thing you ſhall well and truly behaue your ſelf in the ſaid office for this yeare to come. So helpe you God, &c.

The Oath of fealtie to a Freeholder.

YOu shall sweare by the contents of that booke, that you will be true and faithfull to the Lord of this Manno*r*, and shall from henceforth beare, doe, and pay to your said Lord, and to his heires, at termes assigned, all such Rents, Customes, and Seruices as you ought to pay and do for all such lands and tenements as you claime to hold of him. So helpe you God, &c.

The Oath of a Yongling.

THis heare you the Steward and the Court that I shall sweare that I will bée true liege man, and true faith and troth beare to our soueraigne Lord the King that now is, and to his highnes heires and lawfull successors Kings or Quéenes of this Realm of England, and other his dominions depending on the same: And I shall with all my power, wit, and endeuour, defend and maintaine his Highnesse right and title of this realme and dominions against all forreine Princes and forrein Potentates, and shall no felonie nor treason commit, nor thereunto assent, but as soone as any treason shall come to my knowledge, I shall make the same to bée knowne to the Kings highnesse, his heires, and successors, or

to

to his highneſſe moſt honourable priuie Councell, or to ſuch as haue or ſhall haue rule and gouernment ouer his Highneſſe Subiects (which commonly are the Iuſtices of Peace) within foure and twentie houres next and immediatly after it ſhall come to my knowledge, and ſhall be obedient to all the K. maieſties lawes, precepts, and proces procéding from the ſame, and in all things I ſhall well and truely behaue my ſelfe, like a true and faithfull ſubiect during the terme of my naturall life. So God me helpe, &c.

The Oath of a Deſnier.

YOu ſhall ſweare that you I. S. from this day during your life, ſhall be faithfull and loyall to our ſoueraigne Lord the King and to his heires, and true faith and loyaltie you ſhall beare of life, member, and terren honour. and you ſhall heare of no hurt or damage that may befall them, but you ſhall diſcloſe it, and to the vttermoſt of your power you ſhall defend them. So God you helpe, &c.

The Oath of the Heyward.

YOu ſhall ſweare, that you ſhall well and truely ſerue the Kings Maieſtie, and the Lord of this Léet in the office of a Heyward for this yeare to come: you ſhall duely and

truly execute all such Attachements and other Processe as shal be directed vnto you from this Court: and you shall from time to time signifie and present all such Pound breaches as shall happen to bee made within your Office. And likewise you shall present all such cattel estraied, as shall vsually come within your Office, and in euerie other thing wel and truly behaue your selfe during the time aforesaid: So God you helpe, &c.

The Oath of the Affiers.



YOu and either of you shall sweare by the holy contents of this Booke, That you wil truly and indifferently tare, assesse, and affier all such Amerciaments as are presented at this Court: wherein you shall spare no man for loue, fauour, affection, or corruption, nor raise or inhaunce vpon any man (of malice) more grieuous Amerciaments than shall bee thought reasonable, according to the quality of the offence, and the faults committed, and not otherwise: So helpe you God, &c.

Then must the Steward command all men to stand by, & the two Affiers to stand as neere him as they can, and hee must read vnto them euerie presentment that ought to be affied, and so that they may rate them accordingly vntill they haue done, and then discharge the Court thus:

Conclu-

Conclusion.

The Bailife must make an Oyes, and say after the Steward thus: If any man haue any more to doe at this Court, let him come in, and he shal be heard, or else euery man may depart for this time in Gods peace and the Kings, and kæpe your day here according to custome, if it be a Customarie Læt, otherwise it must bee vpon a new warning. And so God saue the King, and the Lord of this Læt or Lawday, and make vs all his seruants, Amen.

Now I will shew you how Mannors take their beginning, and within what Mannors a Court Baron shall or may be kept, and within what Mannors they may not, as followeth:

Perkins fol. 127. saith, That the beginning of Mannors was, when the K. gaue a thousand Acres of Land, or more or lesse, to a man and his Heires, to hold of him and his Heires for euer. And before the statute of Quia emptores terrarum, A man seised of Land, infeoffed another of ten acres, another of twelue Acres, a third of twentie Acres, to be holden of himself, and the Tenants to doe him service, and pay him a quit rent, and so by this meanes, by continuance of time out of the memorie of man, such donor or feoffor had a Mannor.

Also, 33.H.8.tit Compriſe, A man at this day cannot make a Manor: For although that a gift in taile bee made to diuers to hold of the donor

donor by seruices or suit of Court, although this be a tenure, yet it cannot make a Court, for it cannot be without prescription.

Also if a man haue a Manor, and all his free suters but one do commit felonie, or die without heires generall or speciall, whereby their land escheates, or if the Lord purchase their lands, the Manor is destroyed, for it cannot be a Manor without Suiters, there must bee two at the least, as it appeareth by 35.H.8.tit. Tenures 102.m. And in 26.H.8.4. Two Copartners made partition of a Manor, so that either of them had parcel in demesne, and parcell in seruice, in this case either of them hath a Manor, and either of them may keepe a court Baron, if eyther of them haue two Suiters, otherwise not. But 12.H.4.15. Partition is made of a Manor so, that one Coparcener hath the demeans, and the other, the seruices, suit of Court in this case is suspended, and so long as the Manor continues so, there can be no Court kept. And 8.H.7.4. it is held, That a Court Baron is incident to a Manor, of common right, so that within euery Manor there ought to be a court baron although there be no suiters belonging to it, or although by partition the suit is suspended, as is aforesaid, And 34.H.6.53. But note, That diuers are called Manors where there are not free Suiters, but onely Copiholders, Ad voluntatem Domini secundum consuetudinem Manerij,

And

And yet those seigniories are called Manors, and there are Court Barons kept to grant Copihold estates, otherwise they cannot bee granted by Copie, but by Lease they may, and by that meanes a Manor will be vtterly pestroyed.

Hogarth

The manner and forme how to keepe a Court *Baron.*

ſſ. CVr̄ Baron̄ I. F. & P. vxor̄ eius ibid̄ ten̄ duodecim̄ die Octobris, anno regni domini noſtri Iacobi, Dei gratia Anglię, Scociæ, Francię, & Hiberniæ Regis, Fidei defenſoris, &c. viz. Angliæ, Franciæ, & Hiber̄ decimo quinto, & Scocię quinquageſimo primo, per me I. W. Seneſchal' ibidem.

Then command the Bailife to make an Oyes, and ſay after you thus, All manner of perſons that haue any thing to doe at this Court, draw nere and giue your attendance, and if any man will be eſſoined or enter any plaints, let them come forth and they ſhall bee heard.

Then let the Bailife ſay after the Steward, Eſſoines and proffers of ſuit or plea three times for this Court, and if any will bee eſſoined, let the eſſoine for ſuit of Court bee entred thus.

Eſſon'. I. S. Eſſon̄ eſt proſec' Cur̄ per T. D.

And

And if any will enter any plaints, then let them enter their plaints thus.

W.K. queritur versus I.H. de placito debiti vel transgres. vel captionis iniuste detentionis auericm̃ suoꝝ vel similia.

Then call the Freeholders, and so manie as make default, present their names & marke them ouer the heads thus.

mia ij.d. mia ij.d.

Richardus W. Miles, & M.B. generos. sunt liber̃ tenent̃ huius Cur̃ & fecer̃ defalt̃, Ideo vterque eorum in misericordia prout patet super eorum capit̃. *Lib. tenent.*

Will. Kelsey, Ioh. Vallor, Rob. Corse, Ioh. Mathew — Iur̃. — Ioh. Newman, Matheus Bull, Ioh. Hoult & Thomas L. — Iur.

The Foremans Oath.

YOu shall sweare that you as Foreman of this Homage with the rest of your fellowes, shall duely inquire, and true presentment make of all such Articles and things as shall be giuen you in charge, and therein you shall spare no man, for loue, fauour, or affection: nor present any man for malice, hatred, or enuie, but according as things here presentable,

sentable, shall or may come to your knowledge, by information, or otherwise, So shall you make thereof true presentment without concealement. So God you help, and the contents of this booke.

Then call the rest of the Homage, and sweare them by foure at a time thus: The same Oath that W. Kelsey your Foreman hath taken before you on this part, you and every one of you shall observe and kéepe of your parts. So helpe you God, and the contents of this Booke.

Then let the bailife call them by name, and bid them stand nére and heare their charge.

An Exhortation to the Iurie before the Charge.

SIrs, you that bée sworne, before I enter into your Charge, I purpose by Gods assistance to deliuer vnto you the causes of your assemblie here together, which are two: one is for that you hold lands of the Lord of this Manor, some as Frœholders, and some as Copiholders, and therefore by reason of your tenures you ought to appeare at this Court so often as it shall be kept, and here to do your suit and service, or else to bée amerced, and the other cause of your comming hither, is to get knowledge by hearing of the lawes and customes of this Court dila-

ted

ted vpon vnto you, and hereby you may bee the better taught, instructed, and enabled to know how to performe your dueties in doing well and eschewing euill. And for that you shall the better consider and inquire of, and present all things which are now here presentable, I haue ministred vnto you a corporall Oath, which Oath standeth vpon three parts (that is to say) vpon Truth, Judgement, and Justice: It standeth vpon truth, for that you ought to present nothing but the Truth, and likewise not to omit any thing that is true and presentable here vnpresented; It standeth vpon Judgement, that you doe not present any thing rashly or vnadvisedly, but certainely to know the truth thereof before you doe present it; And it standeth vpon Justice, that you doe not for fauour, affection, corruption of money, or other reward, for feare of any mans displeasure, or for any priuate gaine or profit, leaue any thing vnpresented that is heere presentable, neither for malice to present any thing contrary to the truth. These three principall things you ought duly to consider of, and so hoping that you will haue a speciall care thereof, according to your oathes and dueties, and the trust that is reposed in you, I will cease to trouble you any further at this time by way of exhortation, and proceede to your Charge

The

The Charge.

FIrſt, You ſhal enquire whither all ſuch perſons as owe ſuit and ſeruice to this court, be here to doe the ſame or no: and if any make default, you muſt preſent their names.

And I muſt tell you, If there bee two Coparceners, or two Joyntenants which do owe ſuit and ſeruice to this Court for any Lands which they hold of the Lord of this Manor, the one of them ought to bee heere to doe the ſame ſuit, and the other ought to be contributer to his charge.

Alſo if any Tenant hauing twentie acres of Land, granteth or letteth the ſame to twentie ſeuerall perſons, in this caſe euerie one of thoſe twentie ought to doe ſuch ſuit and ſeruice as hath bene accuſtomed to be done for the ſame Land.

Alſo, You ſhall enquire if any Tenaunt bee dead ſince the laſt Court, or before, and his death as yet not preſented, then you ſhall enquire what Land hee held of the Lord of this Manor, and by what tenure or ſeruice he held the ſame, whither by Knights ſeruice, Socage tenure, or by Copie, and what benefit or aduantage is fallen to the Lord by his death, whither ward, marriage, reliefe, eſcheat, or anie other profit, and who is his next Heyre, and of what age hee is, and in whoſe cuſtody he

he is: For if any Tenant which holds by knights seruice die, and his heire male vnder the age of 21. yeeres, and not married, then the Lord shall haue the wardship and mariage of such heire male: but if it bee a female and vnder the age of 14. yeeres, and not married, then the Lord shall haue likewise the wardship and marriage of such heire female: and if the heire male be 21. yeeres at the death of his ancestor: or the heire female 14. yeeres, then the Lord shall haue onely a relefe, which is, if they held by a whole knights fee, C.s. if by the moitie of a knights fee, L.s. and so as according to the rate of their tenure.

Also if any Tenant which held by Socage tenure be dead, his heire being vnder the age of 14, yeares, the Lord ought to haue the value of his land for one yeere for a relefe, which is due immediately after the death of the Tenant: and the next of kin to the heire to whom the inheritance cannot descend, ought to haue the wardship of such heire.

Also if any customary Tenant or copiholder, held two parcels of land by herriot seruice, and by seuerall copies, if such tenant dye thereof seised, the Lord ought to haue two heriots.

Also you shall inquire whether any of the Lords tenants be dead without heire generall or speciall, if there be any such then the lord ought to haue his land by Escheat.

Also if any Bastard hath purchased any land within this Lordship, and is dead without issue of his body lawfully begotten then the Lord ought to haue his land by Escheat.

Also if any Freeholder of this Manor hath committed felonie, and thereof hath bẽ attainted, that is, either hath confessed the felonie, or hath bin convict by verdict of xij. men, or fled, and thereupon outlawed for the felonie, in this case the king must haue annum, diem, & vastum in his land, and after it ought to come to the Lord by Escheat.

Also if any Copiholder hath committed felonie, & thereof hath bin attainted as is aforesaid, then the Lord may enter into his Copihold for a forfeiture.

Also if any Copiholder hath leased his Copihold for any longer time then a yeere and a day without the Lords licence, it is a forfeiture of his Copihold, vnlesse he may doe it by the Custome.

Also if any Copiholder deny to pay his rent, or denie to come to his Lords Court, or deny to be sworne of the homage, or deny to go with his Lord to suppress rebels, euery one of these denials is a forfeiture of his copihold.

Also if any copiholder hath sold any of his copihold land by deed, and made liuerie of seison thereof according to the deed, it is a forfeiture of so much as he hath so sold.

Also if any Copiholder hath cut downe

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any Timber trees within his copihold without licence, or lopped any Timber trees there at an vnseasonable time of the yeare, by reason whereof they die, either of both is a forfeiture of his copihold.

Also if any Copiholder suffer his Copyhold tenement to decay and fall down for lacke of reparations, it is a forfeiture of his Copihold.

Also if a Copiholder bee a Recusant, if his Lord also be not a Recusant, hee ought to forfeit his Copihold estate according to the statute law made ann 35. El.

Also if any Copiholder haue surrendred his copihold tenement into the hands of two of the tenants since the last court to the vse of any person, euery such surrender ought to bee presented at this Court, or else the tenants which tooke such surrender, ought to forfeit their Copiholds, because it may be thought if they doe not present it, that they go about not onely to defeat the Lord of his fine, but also to disinherit the partie to whose vse the same surrender was taken.

Also if any Copiholder hauing two Copiholds, hath impaired the one to amend the other, this is a forfeiture of the Copihold that is impaired.

Also if any Villeine or Wondman of blood, hath purchased any Land within his Lord-

ſhip, the Lord may ſeiſe both it and ſuch villeines goods at his pleaſure.

Alſo you ſhall inquire whether any Tenant of this manor hath giuen any of his lands in mortmaine, That is to ſay, to any Religious houſe, religious perſon, and their ſucceſſors, or to any Guild, Fraternitie, or corporation, and their ſucceſſors, without the Kings licence, and the Lords of this Manor, for it is here inquirable and preſentable, to the end that the Lord if there be any ſuch grant made, may make his claime within the yere and the day, according to the ſtatute in that caſe made and prouided.

Alſo if any Tenant hath ſold his land by deed, and hath not giuen notice thereof to the Lord, nor he which bought it hath not done his fealtie to the Lord, or ſuit of court, ſo that by reaſon thereof, the Lord doth not know who is his tenant, therefore you ought to preſent it: for it is very needfull and neceſſarie, that the lord ſhould know who is his Tenant, by reaſon of his ſeruices and eſcheates which may grow due vnto him.

Alſo if any Tenant within this Lordſhip hath ſuffered any houſe of huſbandrie to decay by taking of the land from it to lay it to another, in this caſe the Lord ought to haue the moitie of the profits thereof to his owne vſe, vntill it be made and maintained a Huſbandrie

dye againe, and this you ought to inquire of for the Lords benefit.

Also if any Tenant hath inclosed any land which hath bin accustomed to lie open without the Lords licence and the Freholders, you must present it, for he cannot iustifie the doing thereof.

Also you shall inquire whether any of the Lords lands within this Manor bee withholden from him, and held and occupyed without his licence, if there be any such thing, then you must inquire by whom it is withholden, and what land it is, and what it is worth by the yeere, and how long it hath beene withholden, that the Lord may recouer his damage for the withholding thereof accordingly.

Also you shall inquire whether there bee any rent, custome, or seruice, behind and unpayed to the Lord of this Manor, by whom it is due, and what rent, custome, or seruice it is, how long it hath bin withholden, & where the land lyeth, that the Lord may distraine for the arrerages thereof.

Also you shall inquire if any bailife or other officer of this Manor, hath made any arrest for any rent, custome, or seruice, due to the Lord of this Manor, and rescouse therein hath bin made, you ought then to present him or them which made the rescouse, and where and when it was done.

Also if any distresse hath bin taken and put

into the lords pound, and hath bin taken out from thence without leaue or authority of the law, then such taking is a pound breach, and here inquirable and presentable.

Also if any tenant doth surcharge the common by putting more cattell there then by the custome he ought to haue goe there, or by putting of cattell there not commonable, as pigs, goats, and geese, and such like, you must present them.

Also if any Tenant of this Manor, hauing two Farmes, one in this Manor, and another in another Manor, doth vse in the Summer time or open time of the yeare, when Corne and Hay is housed, to bring cattell from his other farme vnto his farme within this Manor, which haue bin vsually kept at his other farme out of this Manor, this is called chasing and rechasing, and here inquirable and punishable, vnlesse these cattell bee kept within his owne seuerall grounds, and not in the common fields.

Also if any man hath remoued any bounds or markes, meare stones or stakes, betweene this Lordship and any other, or betweene tenant & tenant, you must present their names, for it is an euill office, and they deserue to bee punished for it.

Also if any man hath fished, hawked, or hunted within this Lordship, without the leaue or licence of the Lord of this Manor,

you

you muſt preſent them, for they are the lords Realties, and therefore no man can lawfully come here to doe either one or the other without his leaue.

Alſo if any tenant by reaſſon of his tenure ought to grinde at the Lords Mill, if he dos it not, you muſt preſent him.

Alſo if you know any man that kepeth, detaineth, or withholdeth any of the Lords euidences of this manor, as court rolls, rentalls, or immuniments appertenant and belonging to the Lord of this manor, you muſt preſent them, for it is fit that the Lord ſhould haue the cuſtodie of this Euidence himſelfe.

Alſo if there was any thing pained at the laſt court to be done, and as yet is not done, you muſt enquire who haue made defalt therein, and preſent his, hers, or their names: And you ſhall likewiſe inquire of all other things which you ſhall thinke needfull to be inquired of by me omitted, and not giuen you in charge, aſwel as if I had giuen you it in charge, and ſo bring in your preſentment in writing by one of the clock in the afternoone.

Then let the bailife make an oyes, and adiorne the court till after dinner thus:

All manner of perſons that haue any more to doe at this court, may depart for this time, and keepe their houre here at one of the clocke in the afternoone.

And then after dinner, call the Iurie for their

presentments, and if they bée ready, take them, and sweare two Affiers to affier them, as before at the Léet.

This being done, let the Baylife make an Oyes, and discharge the court, thus, All manner of persons which haue any more to doe at this Court, let them come forth and they shall be heard, or else they and euery one else may depart for this time, and kéepe their day here vpon a new warning, and so God saue the K. and the Lord of this Manor.

Fealtie to be ministred to a customary tenant.

YOu shall sweare that you shall bée true Tenant, and faith and truth shall beare to the Lord of this manor, and to his heires, for all such customarie Lands and Tenements as you claime to hold of him, by vertue of your coppie for terme of your life: you shall also well and truely beare, pay, & doe all such rents, customes, and seruices as are and shalbe from time to time to be payed and done for the saide lands to your said Lord, and his heires: you shall also be iustified by your Lord and his officers, in euery thing as a customarie Tenant ought to bée iustified: and you shall in euerie other thing well and honestly behaue your selfe so long as you shall be Tenant. So help you God, and the contents of that Booke.

And

And so let him kisse the Booke to affirme his Oath.

But this oath must be ministred before the Court be ended.

The Oath of the Reeue or Bailise of a Manor.

YOu shall sweare that you shall well and truely serue the King and the Lord of this Manor for the yeare to come, in the office of the Reeue or Bailife of the same Manor: and you shall duly and truly gather all such rents, reuenues, or other yearely profits as shall bee extracted out vnto you, and thereof you shall make and yeeld vp a true account at the end of the said yeare, and in euery other thing you shall well and honestly behaue your selfe in the said office during the time aforesaid. So helpe you God and the contents of that Booke. This must also bee done before the end of the Court.

And the presentments are to bee put into Latin by the Steward of the Court thus, viz. next after the presentment of the freeholders, for their defaults: the copiholders thus:

Defalt' de Copiholders,

Item Iur' dicunt super eorum sacram quod W.I.4.d.& I.R.4.d, sunt tenentes per copiã Rotulo-

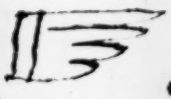
Rotulorum cur̃ & debent fect̃ cur̃ & ad hunc di̇ẽ fecer̃ defalt̃, Ideo vterq; eor̃ in mia ꝓputpatet ſuper eorum capitibus.

Obitus.



Item preſent̃ quod W. N. qui de domino tenuit libere vnum meſuagium & trigint̃ acr̃ prati & paſtur̃ cũ perti̇n̄ infra dominiũ iſtud per fidelitat̃ & ſect̃ cur̃ & per reddit̃ per annum vj. d. obijt de tali ſtatu ſic inde ſeiſit̃. Et q. R. I. eſt filius & proxim̃ hæres præd̃ W. I. Et eſt ætatis decem annorũ, & ad hanc cur̃ venit præd̃ W. I. & ſoluit domino pro Relevio vj. d. & fecit fidelitatem.

Alienation.



Item dicũt ſuper eorũ ſacram̃ qd̃ G. B. qui de domiñ tenuit, liber̃ vnum meſuag' vñ pomar̃ & ſex acras prati cum ꝑtiñ perfacr̃ ſuum Indẽtat̃ gereñ dat̃ ſexto die I. anñ regni &c. dedit conceſſit barganizauit & vẽdidit oia & ſingula ꝑmiſſ. ꝑd̃ cum ſuis ꝑtiñ R. K. de &c. habend̃ & tenẽd̃ oia & ſingula præmiſſ. ꝑd̃ cum eorum ꝑtineñ pred̃ R. K. hæred̃ & aſſign̄ ſuis de capitalibus dom̃ feodi illius per reddit̃ ſeruic' & cõſ. inde prius debit̃ & de iure conſuet̃ & præmiſſ. tenet de dño huius maner̃ per fidelit̃ & ſect̃ cur̃ & ꝑ reddit̃ ꝑ añ xij ſid. Et ad hanc cur̃ dict̃ R. K. fecit domino fidelitatem.

Legatio.

Legatio.

Item dicunt ſuper ſacramentum ſuum quod W. A. qui de domino tenuit libere vnum meſſuagiũ iuxta tenemẽt & viginti acras terr̃ voc' H. per fidelitat̃ ſect' cur̃ & per reddit̃ per annum vj. d. obijt inde ſeiſit̃ & per vltimã volũtat̃ ſuam inſcript̃ fact' gereñ Dat̃ xxviij. die Sept̃ an̄ &c. legauit meluagium ſiue tenẽt & præd̃ xx. acr̃ terr̃ quibuſdã R. A. & T. A. filijs ſuis per nom̃ omnium terr̃, tenementt̃ & hæreditamẽt ſuorũ ſcituat̃ iaceñ & exiſten in I. præd̃ habẽd̃ & tenend̃ p̃d̃ meſ. ſiue tenẽt &c. & p̃d̃ xx. acr̃ terr̃ cum pertiñ eiſdẽ R. A. & T. A. hæred̃ & aſſign̄ ſuis imperpetuũ ad propriũ opus & vſũ ipſor̃ R. & T. hered̃ & aſſign̄ ſuor̃ imperpet̃, ideo præcept̃ eſt balliuo diſtringere præd̃ R. A. & T. A. ſcd̃m formã ſtatuti in eodem caſu prouiſ. ad ſoluend̃ reliueñ & etiam diſtring' ad fac' fidelitat̃.

Super Surr'.

Item dicunt ſuper ſacram̃ ſuum q̃d̃ R. R. tenẽs cuſtomarius huius manerij extra cur̃ ſurſum redd̃ in manus dñi per man' W. T. & R. W. duorũ cuſtomar̃ teneñ huius manerij ſcd̃m cõſuet̃ huius manerij totum illud meſ. & xxx. acr̃ terr̃ prati paſcue & paſtur̃ cum pertinent̃ modo in tenur̃ ſiue occupac' R. B. ad opus &

vſum

vſum prædꝫ R.R. pro termiñ vitæ ſuę naturaꝫ & poſt deceſſũ dicti R.R. tũc ad opus & vſum T.B. & hęredꝫ de corpoꝝ dicti T. legiꝫ ꝓcreat. Et pro defectꝫ talis exiꝫ de corpoꝝ dictꝫ T.B. legiꝫ procreatꝫ remꝫ inde I.I. filio R. de I prædꝫ genꝫ hæredꝫ & aſſignꝫ ſuis imperpetuũ & dicꝫ prædꝫ R. obijt & nũc ad iſtam curꝫ prædꝫ T.B. venit & petit admiꝫ ad omnia & ſingula præmiſſa prædicꝫ, Et ad hãc curꝫ domꝫ per I.K. ſeneſchalum ſuum cõceſſit inde ei ſeiſinam per virgam, habendꝫ & tenendꝫ eidem T.B. & hæꝝ de corpoꝝ ſuo legitime procreatꝫ. Et pro defectꝫ talꝫ exiꝫ remꝫ inde ad opus & vſum dicti I.I. & hęredꝫ ſuorũ imperpetꝫ. Et ꝑdꝫ T.B. dediꝫ domꝫ de fine quatuor libras, Et fecit domꝫ fidelitatẽ & admiſſus eſt inde tenens.

Surr' per Sedeſchal' capt'.

Ad hanc curꝫ teſtatꝫ eſt per W.T. ſeneſcꝫ W. N. in extremis iacens x. die A. anno regni &c. Surſum reddidit in manus domꝫ per manꝫ eiuſdem ſeneſchal. abſentꝫ curꝫ in preſentia R. C.R. P. & C.H. vnũ tentꝫ voc' M. in quo modo habitatꝫ W.G. cum omnibus terꝝ & tẽtꝫ ſuis infra manerꝫ de I. ad opus & vſum M. vxoꝝ ſuæ pro termino vitæ ſuę. Et poſt deceſſum ipſius M. remanere inde W.T. filio ꝑdꝫ W. patris & G. filię eiuſdem W. patris, ac ſorori prædꝫ W. filij & hæredꝫ ſuis ſub conditione tamen ſequentꝫ quod ſi contingat aliquẽ prædictꝫ W. filij & G.

filię

filiæ obite ſine hæred de corpore ſuo exeunt quod tunc ipſe vel ipſam qui vel quę ſuperuixerit habebit & gaudebit tenement p̄d ſibi & hæred ſuis imperpetuum. Et ſuper hoc venit in iſtam cur̄ præd M. & petit ſe admitti ad tēt prędcum ptinen cui dominus per I.K. ſeneſc' ſuum cōceſſit inde ſeiſinam per virgam habēd ſibi in forma p̄d ad voluntatē dom̄ ſcd̄m cōſ. manerij & dat̄ dom̄ de fine pro ingreſ. ſuo inde habēd prout patet &c. & fecit dom̄ fidelit̄ & admiſſ. eſt inde tenens.

Obit' de Copiholder.

Item ad hanc cur̄ compertum eſt per homagium quod quidā W.W. vnus filior̄ & hæred R.W. defunct̄ qui quidem W.W. tenuit de domino ſibi & hered ſuis ſcd̄m cōſ. huius maner̄ meditatem duorum meſuagior̄ ſiue tenement & vnius gardini cum pertinen in I. & diu ante hanc cur̄ obijt inde ſeiſit infra ætatem x. annorum, & in cuſtodia cuiuſdam R. M. ſecundum conſ. manerij, Et quod S.W. eſt frater & ſolus hæres præd W.W. & plene ætatis qui præſes eſt hic in cur̄, & petit ſe admitti tenent̄ ad omnia terr̄ & tenemēt cuſtomar̄ de quibus ipſe p̄d W.W. obijt ſeiſit, viz. ad prædict̄ mediet duorum meſuagior̄ ſiue tenement̄ toft̄ & gardini cum pertinent̄ infra manerium iſtud cui dominus per I.K. ſeneſch. ſuum conceſſit inde ei ſeiſin̄ habend & tenend ſibi & hęredibus

ſuis

suis de dom per virgam ad voluntate domin secundū cons. manerij præd per reddit cons. & seruic inde pius debit & consuet, Et dat domino de fine & ingress. suo, put patet in capite, Et fecit domino fidelitat & admissus est inde tenens.

Surr in Cur.

Item ad hanc cur venit I. T. & sursū reddidit in manus domini decē acras terr siue plus siue minus cum pertinen vocat S. quatuor acr terræ siue plus siue minus vocat K. & quatuor acras prati siue plus siue minus vocat C. customar ad opus & vsum R. B. generos. hæred & assignat suorum imperpetuum per virgam ad voluntatem domini secundum consuetudinem manerij pd cui quidē R. B. domin per senescall suum concessit inde ei seisin habēd sibi & her suis de domino per reddit x.s. per ann & alia seruic inde prius debit, Et dat dom de fine, p ingress. inde habend 4. li. Et fecit dom fidelitatem. Et admissus est inde tenens.

Obitus de parcener.

Itē. homagium dic' super sacrm suum quod quidam R. S. qui de dom tenuit vt parcenarius per consuetudin manerij nouem acr terr customar cū vna grāgia simul cū T. S. fratre suo sibi & hær suis obijt citrā vltimam cur sic seisit, Et quod

quod quidã I.S. eſt filius & prox' hæres eiuſdem R. quoad meditatem præd terr & grangij p̃d, Et eſt ætatis octo annor. Et ſuper hoc tã cuſtod prædict I. quam terr & grãgia p̃dict cõmittitur cuidã S. I. vt prob. amico ſuo &c. Et inuenit pleg' in cur E.N. ad reddend præf. I. de proficuis inde cum ad ætatem quatuor decim annorum peruenerit.

Encrochment.

Itẽ die' ſuper ſacrm ſuũ qd R.W. incrochiauit ſuper vaſt. dom' apud C. in lõgitudine x. virgatæ, & in latitudine vnę virgat, ideo ipſe in mia &c. E. ordinat eſt quod exponat eande ante feſtum ſancti Io. Baptiſt. prox' ſub pœna forisfact' dom pro qualibet virgat 2.s.6.d.

Reſcous.

Item die' ſuper ſacram ſuũ, qd G.B. ball' dominj tali die & an &c. infra dominiũ iſtud diſtringebat H.H. pro reddit dñi tunc per p̃d H. arretro & non ſalutum, Et quod præd H. ad tunc & ibid reſcuſſ. fecit ſuper eund G.B. ideo ipſe in mia &c.

The forme and manner of diuers grants and ſurrenders, aſwell of Copiholds of inheritance, as alſo for copiholds for liues, as followeth.

Broxheade.

Broxheade.

ſſ. AD cur̃ manerij ibid̃ tenṫ 14 die Febr̃ anno &c. venit N.R. & cepit extra manus domini vnum meſuagium & dim̃ place ſiue virgat̃ terr̃ cum ſuis pertineñ in B. nuper in tenura I.A. habend̃ ſibi & R.P. filio ſuo, & A. modo vxor̃ dicti N. pro termino vitæ eorum & alterius eorũ diutius viuen̄ ſucceſſiue ſcd̃m conſ. manerij præd̃ per reddit̃ & ſeruic' inde prius in de debit̃ & de iure cõſuet̃, Et dat̃ dom̃ pro tali ſtatu ſic inde habend̃ 3.li. Et fecit domino fidelitat̃, Et admiſſus eſt inde tenens &c. Et fidelitat̃ prædict̃ R. & A. reſpectãtur quouſque.

Per I.W. Seneſ. ibidem.

Forisfactio de Cop. & recapt'.

AD hanc cur̃ &c. homagium præſent̃ qd̃ P.C. nuper relict' I.C. quæ de domino tenuit durant̃ viduitate ſua ſecundum conſuetudinem manerij vnum meſuagium &c. cum pertinentijs in A. cepit in virum R.L. p quod forisfecit ſtat̃ ſuus in prẽmiſſis, & ſic rem̃ in manibus domin̄, ſuper quo proclam̃ facta eſt, ſi quis &c. Et ſuper hoc venit præd̃ R.L. & cepit extra manus domini meſuagium &c. cum ſuis pertinent̃, habend̃ ſibi pro termino vitæ ſuæ ſecundum conſuetud̃ maner̃ predict̃ per

reddit̃

reddit & seruic' inde pri' debit & de iur' cons'. Et dat' domino de fine p̄ tali statu sic inde habend' 6.l. Et fecit dñō fidelitat' & admissus est inde tenens.

Conces'. reuersion'.

AD Cur', &c. venit W. H. & cepit extr' manus dñi reuersionem vnius messuagij, &c. cum pertinen' in Y. modo in tenura I. H. vid' nuper vxor' W. H. habend' & tenend' reuersionem prædict' præfat' W. H. & B. filio suo pro t'mino vit' eor' & alterius eorum diutius viuen' successiui sc'd'm consuet' manerij prædict' cum per mortem sursum redditionem vel aliquā forisfactur' per præfat' I. aliqua modo fact' siue ppetrat', ac ad manus dom' accederit contigerit per reddit & seruic' inde prius debit', & de iure cons'. Et dat' dom' de fine pro tali reuersion' sic inde habend' 7.l. Et fidelit' respectuat' quousq; &c.

Obitus.

IVR' p̄sent', quod I. C. qui de domino tenuit vnum tenement' cum suis pertin' in Y. in quo I. C. pater prædict' I. nuper habitauit diem suum clausit extremū circa vlt' cur' vnde accidit dom' pro heriot' vnum bos præcij xl. s. & deliberat' ad vsum dom' huius manerij de quo proclam' fact' fuit in cur', si quis, &c. super quam venit

Anna relict' prædict' I. & clamat prꝛmiſſ. durant̃ viduitate ſua ſecundum conſuetudinem manerij per reddit̃ opera conſuetud̃ & ſeruic' inde prius debit̃ & conſuet̃, &c.

Surr' & recaptio.

AD hanc Curiam venit C. W. qui de domino tenuit per copiam Rotuloꝝ cuꝝ dat̃ &c. vnum tenementum &c. cum pertinentijs in E. quondam in tenura R. C. Et ea omnia ſurſum reddidit in manꝰ domini & totum ſtatum, titulum, & intereſſe in prꝛmiſſis ea intentione, vt placeret domino nouum inde cõceſſum ſibi ꝓfat̃ C. W. & alijs facere ſecundum conſuetudinem manerij prædict' ſuper quem ſurſum redditione accidit dom̃ ꝓ herriot̃ ex conuentione viginꝯ ſoldoꝝ, Et in eadẽ curia venit dictus C. W. & cepit extra manus domini dictum tenement̃ &c. cum ſuis ptiñ habend̃ ſibi ꝓfat̃ C. W. R. & I. W. filius ſuis ꝓ termino vitæ eorum & alterius eorum diutius viuent̃ ſucceſſiue ſecundum conſuetudinẽ manerij prædict' reddit' opera conſ. & ſeruic' inde prius debit̃ & de iure conſ. Et pro huiuſmodi ſtatu & ingreſſ. ſic inde habend̃ prædict' C. W. dat̃ domin̄ de fine 16. li. & fecit dom̃ fidelitat̃, & ſic prædict' C. W. admiſſus eſt ind̃ tenẽs, Et fidelit̃ prædict' R. & I. reſpectuatur quouſque &c.

Conceſſ.

Conceſſ. de Copihold de inheritance per le vierge.

AD hanc Cur̄ dn̄us conceſſit extra manus ſuas p I.F. capital' Seneſc. ſuum T.D. & A. vx'eius vnum meſ. &c. cum oīb̄us ſuis pt̄in̄ iacen̄ apud B. quibus dn̄us p Seneſ. ſuum p̄d̄ conceſſit ſeiſinā habend̄ ſibi et hær̄ ſuis de domino p virgam ad voluntatem dom̄in̄ ſecundum conſuetud̄ maner̄ p̄d̄, Et dant domino de feodo p ingreſſ. inde habend̄ prout patet in capit̄, Et fecit dom̄ fidelitat̄, Et admiſſ. eſt inde tenus.

Conceſſ. pro annuat' reddit'.

AD hanc cur̄ dominus conceſſit p I.F. ſeneſchal. ſuum T.B. & M. vxor̄ eius vn̄ meſuagium cum 6. acris terr̄ &c. cum pt̄inen̄ præfat̄ T.M. hæred̄ & aſſignat̄ ſuis ad volunt̄ domini ſecundum conſ. manerij reddend̄ inde annuatim dom̄ hæred̄ & ſucceſſorib⁹ ſuis, If the Lord be a Biſhop, or a Deane, or ſuch like ſix ſhillings eight pence, p oīb̄us & ſing' ſeruitijs ad duos annui terminos, videlicet, ad feſt. ſanct̄i Mich. Archangel' & Annuciation̄ Beatæ Mar̄ virgin̄ equal' portionibus, Et dant dom. de fine &c. & fecer̄ fidelit̄, Et admiſſ. ſūt inde tenentes.

Curia en antient demeane.

AD hanc cur̃ tenť ibid̃ tali die & anno A. C. filiꝰ & hæres I.C. venit & ſurſum reddidit in manus domini vnum meſuag. &c. in D. infra iuriſdictionem huiꝰ cur̃ ad opus & vſũ T.H. hęred̃ & aſſignať ſuorum in perpetuum, virtute barganiæ ſiue partitionis inť eos fact', Et ſuper hoc publica proclam̃ in eadem curia fact' fuit quod ſi quis aliquod ius ſeu titulum ad eundem meſuagium terr̃, &c. vel in aliqua eorum ꝑcell' pretendere voluit vel haberet venirit & audirenť, & null' venit ad hanc cur̃ per quod ſecundum conſuetudinem maner̃ p̃d̃ meſuag' ter̃, &c. remaner̃ in manus dñi vſque ad tertiam proclam̃ ſuper eiſd̃ factam, Et ſup hoc dies dať eſt partibus p̃dict̃ eſſendi ad ꝓx' cur̃ maner̃ p̃d̃ ad audiend̃ inde iudicium ſuum ſup p̃miſſ.

Et ad hanc cur̃ tenť ibid̃ tali die & tali ann̄ tam prædict̃ A.B. quam præd̃ T.H. venerũt & ſuper hoc ſecunda proclam̃ fact̃ fuit ſuper præmiſſis, qd̃ ſi aliquis aliquod ius vel titul' ad p̃d̃ meſuagium ter̃, &c. haber̃ aut pretẽderet veniret & audiretur, Et nullus venit, & ſuper hoc dies dať eſt partibus p̃d̃ eſſendi hic ad ꝓx' cur̃ maner̃ p̃d̃ ad audiend̃ inde iudic' ſuum ſup p̃miſſ.

Et ad hanc cur̃ ibid̃ tenť tali die & ann̄ tam prædict̃ A.C. quam T.H. venerunt, Et ſuper hoc

hoc tertia proclamatio fact' fuit ſuper p̄miſſ. quod ſi aliquis aliquod ius vel titulum ad prę̄d meſuag' terr̄ &c. vel in aliquo eorum parcell' haberet vel p̄tenderet, veniret vel audiretur, Et nullus adhuc venit, Et ſuper hoc domin' p̄ I.H. Seneſchall' ſuum conceſſit ſeiſinam de p̄d meſſ. &c. cū eo r̄ ptiñ p̄f. T.H. tenend' ſibi hær̄ & aſſign̄ ſuis ſcd'm conſ. man̄ p̄d', Et dat' dom̄ d' fine p̄ ingreſſ. &c. & fecit dom̄ fidelit' & admiſſ. eſt inde tenens.

Alis' in antient demeſne vbi vxor examinetur.

AD Cur̄ tent' ibidem tali die & ann̄ T.B. de N. & E. vxor eius in p̄ſentia cur̄ ſola examinatur & confeſſa, ſurſum reddidit̄ in man' dñi vnum meſ. & dimediat' bouat' terr̄ cum ſuis ptiñ in D. p̄d' voc' R. ad opus W.C. de O. vnde accidit dño vnus equus de heriotto, Et ſup hoc ven̄ dict' W.C. & cepit de dño dictum meſ. &c. cum pertiñ habend' & tenēd' ſibi & A. vxori eius ſiue hær̄ & aſſign̄ ipſi' W. imperpet' ſecund' conſuet' manet̄ p̄d' p̄ reddit' conſ. & ſeruic' inde prius debit' & conſuet', Et dent dño de fine pro ingreſſ. habend' in dictis in meſuag' & cæter̄ p̄miſſ. &c. Et dat' eſt eis ſeiſin̄ &c. & fecerunt ſidelitat' & admiſſi ſunt inde tenentes.

Surr' balliuo extra cur'

AD hanc curiã &c. Compertum eſt, quod T.C. extra cur̃ ſurſum reddidit in man' I.D. balliui in præſentia D.R. & aliorum tenentium domini huius manerii hoc teſtan̄ vnã acram terr̃ in R. quondam T.R. ad opus W.I. cui dominus inde conceſſit ſeiſin̄, tenend̄ ſibi & hæred̄ &c.

A ſurrender vpon Condition.

AD hanc curiam &c. venit I.C. & ſurſum reddidit in manus domin̄ vnum cotagiũ iacent̄ &c. ad opus & vſum I.A. tenend̄ ſibi et hæredibus ſuis de domin̄ ad volentatem dom̄ ſecundum conſuetud̄ manr̃ ſub conditionibus ſequen̄, videlicet, ſi p̄d̄ I.A. ſoluat aut ſolui faciat p̄fat̄ I.C. xl.s. ad feſtum ſancti Iohannis Baptiſt. & omniũ ſanctor̃ prox' futur̃, poſt dat̄ huius cur̃ equal' portionibus, quod tunc preſence ſurr̃ reddition̄ ſit in ſuo robor̃ & effect', Et ſi ipſe deficeret in ſolution̄ p̄d̄ in parte vel in toto quod adtunc bene licebit p̄fat̄ I. C. & aſſign̄ ſuis reintrar̃ & rehabere p̄d̄ cotagium iſtud ſurſum reddit̄ in aliquo non obſtante, Et dat̄ dn̄o de fine &c. & fecit fidelitat̄, & admiſſus eſt inde tenus.

Conceſſ.

Conceſſ. de copihold forisfact'.

AD cur̄ &c. tenᵗ tali die & ann̄ &c. p̄cept̄ fuit balliuo ſeiſire in man' domini vnū teneme̅tū cum p̄tin̄ nuper in tenur̄ I. B. voc. R. eo quod ipſe alienauerit & vendidit dict̄ū tenmenᵗ cuidā T. V. ſine licentia dom̄ &c. Et inde reſpondebit domino de exit̄ quouſque &c. Et qd' in iſta eadē cur̄ dom̄ ex ſua gratia ſpecial' conceſſit dict' teneme̅t cum pertin̄ p̄fat̄ I.B. cui dom̄ inde conceſſit ſeiſin̄, habend̄ ſibi & hæred̄ ſuis &c. de dom̄ ad voluntᵗ ſecund̄ conſ. maner̄ præd̄, Et dat̄ dom̄ de fine &c. Et fecit dom̄ fidelitat̄, Et admiſſus eſt in de tenēs.

Copia pro termino annorum.

AD hanc cur̄ dom̄ p̄ I. F. Sennſchal. ſuum conceſſit E.R. vnum meſuag. &c. cum p̄tenētijs voc' A. habend̄ & tenēd̄ ſibi & aſſig. ſuis a feſt. ſancti Mich. Arch. prox. futur̄ poſt dat̄ huius cur̄ vſque ad finem & term̄ quadraginᵗ annor̄ extunc p̄x' ſequen̄ & plenar̄ complendorum reddendo inde annuatim xx.s. ad duos annui term̄, viz. &c. p̄ equal' portiones, Prouiſo ſemper quod durañ termin̄ prædict' p̄d̄ dñus inueniet maeremiū materiā & ligna totiens quotiens neceſſar̄ fuerit dict' teneme̅t ad emendend̄ reparand̄ & ſuſtinendum. Et

dat̃ dom̃ de fine, &c. Et fecit dom̃ fidel' Et admiss. est inde tenens.

Release in cur' de title.

AD hanc cur̃ tent̃, &c. compert̃ est qd dom̃ per T. P. Seneſcall. ſuũ ad cur̃ tent̃ apud C. tali die & anñ, conceſſit ex manus ſuas W. P. & hæredib⁹ ſuis vnã peciã terr̃ contiñ circa tres acras terræ ſiue plus ſiue minus habeat̃ quondam T. C. in A. iacen̄ ibid̃ inter terr̃ A. B. ex part̃ Auſtral' & terr̃ W. S. ex p̃t̃ Borial' habend̃ & tenend̃, &c. ad voluntat̃ dom̃ ſecund̃ conſ. maner̃, Et poſtea venit quedã A. W. coram præf. T. P. ſeneſc. dom̃ & pretend̃ habere titulum in p̃d̃ pecia terræ, Et hic præſẽs in cur̃ remiſit, relaxauit, & imperpetuum quiet̃ clamauit præf. W. P. & hæredibus ſuis per licenc' dom̃ totũ ius ſuum & clameum quæ habet vel habuit, vel in futur̃ haber̃ poterit in p̃d̃ pecia terr̃, & in qualibet inde parcell', Ita viz. q̃ nec̃ ipſe A. nec hæred̃ ſui, nec aliquis alius nomin̄ eorũ aliquod ius vel clameũ in p̃d̃ pecia terr̃ de cetero exigere vel vendicare poterit, ſed ab omni actione juris vel clamei ſint excluſi imp̃pet̃ p̃ p̃ſent̃ & dat̃ dom̃, &c. & fecit fidel', &c.

Conceſſio hered' poſt mortem patris.

AD hanc cur̃ tent̃, &c. compertum eſt qd̃ I. B. obijt ſeiſitus poſt vltim̃ cur̃ qui de dominotenuit ſibi & hæredibus ſuis vnum tenemen-

nementū vocaī E. & obijt inde ſeiſitus, Et dicūt quod R. B. filius eius eſt & proxim hær, & plenę ætatis, vel infra ætatem, ſi ſoit deins age, videlicet, duodecem annorum, & in cuſtodia T. W. vel R. M. fratr eius vel conſanguiñ eius eſt proximus hæres eiuſdem & plene ætatis & præſēs hic in cur petit admitti & admiſſus eſt inde tenēs tenend ſibi & hęredibus ſuis de domino ad voluntatem domiñ ſecundum conſ. manerij, &c. Et dat domino de fine &c, & fecit domino fidelit, &c.

Alit' vbi ſunt intaile le remonſter'.

AD hanc curiam compertum eſt quod R. B. de A. ad curiam tenī tali die & anno &c. apud E. ſurſum reddidit in manus domini vnum tenī, &c. vocaī C. ad opus R. C. filij eiuſdem R. & A. vxoris ſuæ quibus domiñ conceſſit ſeiſinam tenend ſibi & hæredibus de corporibus eorum legitime procreat. Et ſi prædict' R. & A. vxor eius obierunt ſine hæredibus de corporibus eorum legitime procreat, quod tunc prædict tenī, &c. cum ſuis pertinentijs remaneant rectis hæredibus ipſius R. B. Et modo iſta cur informatur per totū homagium quod prædict R. & A. obierunt ſine hæredibus legitime inter eos procreat & pd R. B. ſimilit. Et ſup hoc veñ I. B. frat & hęr pd R. B. & pet admit, Et admiſſ. eſt tenēs, &c. Et p licenc' dñi pf. I. B. conceſſit pd tēt, &c.

quæ

quę ei remanſer̃ poſt mortẽ p̃d R.B.& R.C.et A.vx' eius remañ W. C. & hær̃ ſuis cui dom̃ eidẽ I.B.cóceſſ. ſeiſiñ tenẽd ad volunt̃ domiñ ſcd̃m conſ. maner̃. Et dat̃ dom̃ de fine &c.Et fecit dom̃ fidelit̃ &c.

Alter Cop. pro termino vitæ cum diuerſ. rem' ouſter.

AD hanc cur̃ ven̄ A. T. & ſurſũ reddidit in manus domini vnum meſuag.& octo acr̃ terr̃ cuſtomar̃ vocat̃ I. vt domin' faciet inde ad voluntat̃ ſuã & dom̃ inde habebit ſeiſiñ. Et ex gratia ſua ſpeciali reconceſſit p̃d meſ. & terr̃ p̃d A.B.& K. vxori eius duran̄ vita eor̃, Ita q̄ poſt eor̃ deceſſũ ipſi' p̃d terr̃ & tent̃ remaneat rectis hęred̃ ipſius A.T. imperpet̃ tenend̃ eiſdem A.T.& I. vxori eius duran̄t tota vita eorum p̄ virgam ad voluntat̃ dom̃ ſecund̃ conſuet̃ manerij in forma præd. ſaluo iure cuiuſlibet,Et p̃d A.T.& K.dãt dom̃ de fine &c. & fecer̃ fide' &c.

Surr' extra Cur' & rem' cum conditione in extremis.

AD hanc cur̃ compertum eſt qd R.F. languens in extremis ſurſũ reddidit in man' B.R.extr̃ cur̃ p̄ manus I.H. in p̄ſẽtia A.C.

A.C.& B.D. tenen huius manet hoc teſt. vnũ meſuagium cum ptiñ &c. ad opus A. vx' ꝑd R.F. tenend ſibi ꝑ ſeruitio inde debit ſecund conſuet manet ꝑ termino vitæ ſuæ, Ita q̃ poſt mortẽ dict' A. ꝑd meſuag. rem̃ I. filio ꝑd R. & A. & hered de corpor ſuo legit procreat, Et ſi contingat dict' R. obire ſine hæred de corp̃ ſuo legit ꝑcreat tũc ꝑd meſ. remaneat R. filio ꝑd R.& A. & hæred de corpor ſuo legit ꝑcreat, Et ſi contingat dict' R. obire ſine hæred de corpor ſuo legit ꝑcreat q̃ tunc ꝑd meſ. ꝑ executores vtriuſque eor diutius viuen vendatur & denar inde recept & ꝑuenientes in pauperes & alias elimoſinas diſponent vt diſtribuer ꝑut eis melius videbit expedire quibus dñus inde conceſſit ſeiſinã tenend in form̃ ꝑd ad voluntat dom̃ ſecũd conſ. maner. Et dant dño de fine &c. & fecit fidelit &c.

Supplicatio tenen' domino.

AD hac cur venit R.C. inſtant ſupplicãd prout ipſe ꝑ plurima tempora tranſact' ſupplicauit & proferr domino finem annalẽ ratione exemptione vt ipſe ex ſua gratio ſpecial' in fauore ob cauſam ſenectutis infirmitat & debilitatis corporis ſui poſſit exonerari de cætero ab omnibus & ſingulis inquiſitionib' Iurat & offic' quorumcunque tam in hac villa quam alibi infra dict' maneriũ ſibi obijcend

&

& assign qua propter aspectu vero senectute vna cum infirmitate & debilitate sua sub fine annuaꝫ nomine exemptionis inde prolate. Ac suggestionem eius per tenentes visus ipsum veracit magn testificat in pmiss, modo domiñ concessit in ista curꝭ p I.F. seneschaꝫ suum pfatꝫ R.C. licentiam fauorem & exemptionem pro termino vitæ suæ. Et prædictꝫ R.C. datꝫ dño de annuaꝫ reddꝫ 4. d. soluendꝫ ad terminos vsuales.

Licence pro sectꝫ Cur.

AD hanc Curꝭ veñ I. S. natiuus domiñ de fine pro sectꝫ Curꝭ respectuandꝫ per vnum annum 2.s.

Licence ad maritand. filiam.

AD hanc Curiam venit I. S. natiuus domñ huius manerij & petit licentiam ad maritandꝫ filiam suam infra dominium istud vel extra. Et domiñ per I.W. seneschallum suum concessit licentiam, &c.

Licence dimittendꝫ tenꝫ customarꝫ.

AD hãc Curꝭ venit T.R. Et petit licentiam a domino dimittendꝫ omnia & singula terꝭ & tenementꝫ sua customarꝫ scituaꝫ iacentꝫ & existentꝫ infra dominium istud cuicunque personę siue

siue quibuscunque personis placuerit eidem T. R. pro termino & ad terminum xxj. annorum proxim' sequen' dat' huius cur' cui quidem T. R. dominus licentiam dedit in forma prædict' pro fine decem solidorum solut' in cur' ad vsum domin' huius manerij.

Note, that there is no manner of estates made of frée land by déed pole, or déed indented, but the like estates may be made by copie of Court roll of copihold Land of inheritance, and entred in the Court rolls: and the Steward is bound by law and conscience to bée an indifferent Iudge betwéene the Lord and his tenants, and to enter their copies truely in the Lords Court rolls, the which are the Lords Register to know his presidents, customes, and seruices: And also they are a great suretie to the tenants, that if their copies by any casuall meanes should be lost, they may resort to the Lords court rolls, and the Steward may make them new copies, according to the olde president in the Lords Court roll, like as at the Common Law, when a matter in variance betwéene two men is passed by verdict, and iudgement giuen thereupon and entred in the Kings records, there it resteth of record to be found if occasion serue to search for it. And also if a Déed or a Patent bée inrolled, there it remaineth of record to be seene, if néed be, and any

man

man that hath occasion may haue a coppie thereof, if they sue to the Iudges and the officers of the place where the record lieth, and they may haue it exemplified vnder the seale of the office of the same place where such record lyeth, if he will bee at the charge thereof. And also if a man haue occasion he may plead the same record in any of the Kings Courts. And the Lords Steward may doe the like with his Court Rolls.

To my welbeloued [illegible] Bayliffe of the Lordship or Mano[illegible] of Hodgarth and Stretton &c. Theis two to will and require you & [illegible] forthwith to distrein the goods and chattels of the [illegible] named in the Schedule hereunto annexed the summe of [illegible] money but the same [illegible] named & faithfully to appraise and the same to pay to my Land [illegible] that I may dispose thereof to his [illegible] and herein [illegible] you will not fayle as you will answere the contrary at your [illegible] dated vnder my Land and Seale the [illegible] day of &c

Plees incident and belonging to the Court Baron, Formedon in remaind' : And this is where there are Copiholders of inheritance.

R.H. quærit versus C.E. & A. vxorem eius de placito terr̃ viz. de vno mesuag' duobus cottagijs viginti acris prati pastur̃ cum pertinentijs in I. infra iurisdictionem huius cur̃, Et fecit protestationem prosequi querelã istam in forma & natur̃ breuis domini regis de forma donationis in le remaner̃ ad cõmunem legẽ & inuen̄ pleg' de ꝓsequend̃ querelam illam in forma & natura breuis viz. I. H. & R.M. Et petit ꝓcess. superinde fibi fieri secund̃ consuetudinẽ maner̃ prædict' versus p̃d C. & A. vxor eius ideo secundum consuetudinem maner̃ illius a tempor̃ cuius contrar̃ memoria hominum non existit visitat̃ p̃cept̃ est subballiuo maner̃ prædict' ac ministro Cur̃ prædict' quod sum̃ per bonis sum̃ prædict' C. & A. quod sint corã sectatoribus Cur̃ p̃dict' ad ꝓxim̃ curiam manerij prædict' die Iouis, viz.

viz. 20. die Iunij, anno, &c. apud Manerium
præd tenend ad respondend præf. R. H. de
prædicto placito, &c. Idem dies dat est præf.
R. hic, &c. Ad quam quidem prox' Cur' ven'
tam prædict R. H. quam prædict C. & A. per
I. R. Attorn suum & prædict' minister Cur
prædict' retorn hic in Cur quod ipse virtute
precepti prædict sibi directi sum prædict C.
& A. per bonos sum, viz. per I. C. & R. R. es-
sendi hic ad hanc Cur ad respond præt. R. H.
de prædicto placito prædict' vnius messuagij
duorum cotagiorum viginti acr terr, viginti
acr prati, & viginti acr pastur, cum pertinen-
tijs prout sibi præcept fuit, &c. Et super hoc
præd R. H. petit versus præf. C & A. tenemen-
ta prædict' cum ptinentijs, vt ius & hæredi-
tatem suam dicendo quod quidem W. H. fuit
seis. de tenementis pred, cum pertinentijs in
dominico suo vt de feodo ad voluntatem dom
secundum cons. manerii præd. Et sic inde sei-
situs existens secundum cons. manerij illius a
tempore quo non extat memoria hominum
vsitat & approbat ad cur manerij præd tent
apud I. infra precinctum manerij præd die
martis proxim post festum P. anno regni, &c.
per I. A. & T. P. deputat ballliui manerij præd
in presentia T. C. T. S. R. L. I. M. T. R. & I. B.
tunc tenentes domin manerij prædict, Surium
reddidit in manus domin tenement pred cum
pertin ad opus & vsum cuiusdam M. tunc vx-
oris præd W. H. tenend ad terminum vitæ
suæ,

ſuæ, Et poſt deceſſum eiuſdem M. prædꝫ tenꝫ cum pertineñ integre remanerent cuidã I. H. filio N. H. fratris prædictꝫ W. H. & hæredꝫ de corpore ſuo legitime procreatꝫ, Et pro defectu talis exit' eiuſdꝫ I. prædꝫ tenꝫ cum pertineñ integre remanere cuidã E. H. filiæ prædꝫ W. H. tenendꝫ ſibi & hæredꝫ de corpore ſuo legitime proceeatꝫ, & pro defectu talis exitꝫ eiuſdem E. prędict' tenementꝫ cum pertineñ integr̃ remanere rectis hæredꝫ prædict' W. H. & hæredꝫ ſuis imperpetuum, virtute cuius quidẽ ſurſum redditionis, prædꝫ M. fuit ſeiſitꝫ de tenementis p̃dꝫ cum pertinentljs in dominico ſuo vt de libero tenemento ad voluntatem domñ ſecundũ conſ. manerij prædict' tempore pacis tempoꝝ prædꝫ Regis Iacobi capiendꝫ inde expleſ. ad valenc', &c. Et de ipſa M. remanſit ius per formã ſurſum redditionis prædictꝫ ſecundum conſuetudꝫ manerij prædꝫ I. H. per quod idem I. fuit ſeiſitꝫ de tenementꝫ prædꝫ cum per pertineñ in domiñ ſuo vt de feodo taliatꝫ ad voluntatem domñ ſecundum conſ. manerij p̃dꝫ per formam ſurſum redditionis prædꝫ tempore pacis tempoꝝ domñ Edwardꝫ nuper regis Angl' ſecundo capiendꝫ inde expleſ ad valenc', &c. Et de ipſo I. poſt mortem prædꝫ E. eo quod vterque p̃dꝫ I. & E. obijt ſine hæredꝫ de corpoꝝ ſuo legitime procreatꝫ remanſit ius per formñ ſurſum redditioñ p̃dꝫ ſcdm conſ. manerꝫ p̃dꝫ iſti R. H. qui nũc petit. viz. vt fil' & hæꝝ W. H. fratꝝ & hæredꝫ p̃dꝫ W. H. Et inde produc' ſect', &c.

Et prædict' C.& A.per T. H. Attorñ ſuum ven & defend iuſ ſuum quando,& c.Et dic' qd prædict' W. H. non dedit tenement prædict' cum pertinentijs præfat R.H.& hæred de corpore ſuo exeunt,Ita quod ſi idem W.H. obierit ſine hæred de corpore ſuo exeunt tenemẽt cum pertinentijs pręfat R.H.& hæred de corpore ſuo exeunt remanerunt imperpetuum in forma qua predict R.H.per breue & narrationem ſuã præd ſupponiter,Et de hoc,&c. Ideo duodecimo,&c.

Plaints de mortdanceſter.

R.C.queritur verſus W.L & E.vxor ei' de placito terr, viz. de vno meſuagio triginț acr prati & centț acr paſturę cum pertinentijs in I. infra iuriſdictionem huius curę,Et fecit proteſtationem proſequi querelam ſuam in form & naturę breuis Domiñ Regis aſſiſæ mortis anteceſſoris ad communũ legem,&c.Et petit proceſſ.pro eo ſieri ſecundũ conſ. huius Manerij in forma & natura breuis prædict' dirigend balliuo & miniſtris hui⁹ curę, & quod ijdẽ balliui & miniſtri per mandat & p̃cept dom̃ hui⁹ manerij & ſecundum conſ.eiuſdem manerij ſum̃ per bonos ſum̃ xij probos & legales homines de homagio huius manerij quod ſint coram ſeneſc.eiuſdem manerij ad prox.curę infra manerium iſtud tenend parati ſacramentum cognoſcere, Si R.C.pat prædict' R.fuit ſeiſit in dominico ſuo

ſuo vt de feodo ad voluntatem dom̃ ſecundū conſ. Manerij iſtius die quo obijt de & in vno meſuag' triginť acr̃ prati & cenť acr̃ paſturæ de terr̃ cuſtom̃ huius manerij cum pertineñ voc' C. infra iuriſdictionem hui° cur̃ die quo obijt, Et ſi idem R. pater obijt infra quinqueginť annos iam vltimos elapſos, Et ſi prędict' R. filius ſit propinquus hæres prædict' R. patris, Et interim terr̃ & tenemenť prædict' videant, Et qd ſum̃ per bonos ſum̃ præd̃ W. & E. qui eaſdem terr̃ & tenemenť nunc tenent q̄ ſint ibi ad audiend̃ recogñ & inueñ pleg. ad proſequend̃ querelā ſuam præd̃ I. Doo. R. Roo.

Barre.

Et modo hic ad hanc cur̃ veñ præd̃ W. L. in propria perſona ſua, Et dic' quod prædict' R. pater prædict' querr̃ nō fuit ſeiſit̃ in dominico ſuo vt de feodo ad voluntatem dñi ſecundū conſuetudinē huius manerij die quo obijt de prædict' meſuagio & triginť acr̃ prati & cenť acr̃ paſtur̃ cum pertiñ modo & forma prout p̄ p̄d̃ quær̃ prius ſuppoñ. Et hoc petit qd inquiratur p̄ aſſiſam, Et p̄d̃ querens ſimiliter, &c.

Entrie in le Per & Cui.

Ad hanc cur̃ veñ I. N. in propria perſona ſua & queritur verſus T. M. de placito terræ videlicet de vno meſuagio vno gardino & vno

pomar̃ cum pertinen̄, Et iuneñ p'eg. de prosc̃a quendi quærelam ſuam prædict' viz. I.D & R R. Et proteſtatur proſequi querelam ſuam p̄d̄ die prædicto meſuagio gardjñ & pomar̃ cum pertinentijs in I. in natura & forma breuis domini regis de ingreſſ. in le Per & Cui dicendo quod idem meſuagium gard̄ & pomar̃ cum p̄tinentijs ſunt ius & hæred̄ ſua ſecundum cōſ. manerij p̄d̄, Et in quæ præd̄ T. M. non habet ingreſſ. niſi per E. nuper vxorem W. M. & fil' R. P. cui præfat̄ R. P. & M. vxor ſua illa dimiſit R. N. per rem̄ ipſius I. N. infra quinquagint̄ annos iam vltim̄ elapſos, &c. Et petit proceſſum inde ſibi fieri verſus præfat̄ T. M. ſecundū conſuet̄ maner̄, ideo ſecundum conſuet̄ maner̄ illius pręcep̄t eſt I. B. ſubballiuo eiuſdem maner̄ ac miniſtro Cur̄ prædict' quod ſecundum conſ. manerij præd̄ ſum̄ per bonos ſum̄ pręfat̄ T. M. quod ſit ibi ad prox' c ur̄. ſcz. 4. die M. proxim̄ futur̄ hic tenend̄ ad reſpond̄ præfat̄ I. N. de placito prædict', &c. Idem dies dat̄ eſt I. N. hic, &c.

Common recouerie in droit patent by conſent.

Ad hanc curiam venit A. B. ciuis & mercator̄ L. in propria perſona ſua & queritur verſus W. W. de placito terræ, videlicet, de vno meſuagio, vno gardin̄, & vna acr̄ terr̄ cum pertin̄ in I. tenț de iſto manerio per copiam retulorū

Cur̄

Cur̄ & fecit proteſtationem proſequi querelā ſuam p̄d in cur̄ p̄dict' in forma & natura br̄is dom̄ regis de rect̄ patent̄ ad communem legē ſecundum conſ. manerij præd, Et inuen̄ pleg' de proſequend̄ querelam ſuam p̄d hic in eadō cur̄, ſcz. Io. Den. & R. Fen. & pet̄ proceſſ. ſuperinde fieri verſus præf. W. W. ſecund̄ conſ. manerij præd, Ideo ſecundum conſ. manerij præd̄ præcept̄ fuit I. S. balliuo maner̄ p̄d ac miniſtro cur̄ illius quod ſum̄ præd̄ W. W. Ita quod ſit hic ad prox' cur̄ maner̄ præd̄ hic ſcilicet die ſalut̄ 4. die Ianuar̄ tenend̄ præd̄ A. B. de placito prędict', Et quod tunc habeat ibid̄ nomina ſum̄ & hoc breue, Et idem dies dat̄ eſt petenti hic, &c. Et modo ſcilicet ad hanc Cur̄ ven̄ præd̄ W. W. in propria perſona ſua & in plena cur̄ hic gratis obtulit ad reſpond̄ præd̄ A. B. de placit̄ prædict̄ per bonos ſum̄ ſuos ſcilicet I. D. & R. R. ſecundū conſ. maner̄ prędict̄, Et ſuper hoc modo ad hāc cur̄ præd̄ A. B. ſcz. in propria perſona ſua venit & petit verſ. p̄d W. W. meſuag' præd̄ gardin̄ & acr̄ terr̄ prædict' cum pertinen̄ in I. præd̄ tent̄ de iſto manerio per copiā rotulorum cur̄ iſti⁹ vt ius hereditatem ſuā, Et vnde dic' quod ipſemet fuit ſeiſit̄ de tent̄ præd̄ cum pertinen̄ in dominico ſuo vt de feodo & iure ſecundum conſuetudin̄ manerij prædict' tempor̄ pacis tempore dom̄ regis nunc capiend̄ inde expler̄ ad valēc', &c. Et q̄ tale ſit ius ſuum offert, &c.

Respons.

Et prædictus W. W. venit & defendit ius suum quando. &c. & seisina eius de qua seisina &c. vt de feod & iure, &c. & maxim de tenementis prædict' cum pertineñ & totũ, &c. Et ponit se super homagium præd dom regis cur prędict' secundum cons. manerij præd & petit recogñ fieri vtrum ipse magis ius habet tenend tenement pd cum ptiñ sicut ille tenet an prædict' A.B. habend tenemenť prædict' cum pertiñ sicut ille superius petit, &c.

Imparlance.

Et præd A.B. petit licentiam inde interloquend vsque horam xj ante meridiem eiusdẽ diei & habeat, &c. & eadem hora datť est præt' W. hic, &c. Et postea idem A.B. reuenit hic in cur isto eodem die ad prædictã horã in propria persona sua, Et pd W.W. licet solempniť exact' non reuenit sed in contemptu cur recessit & defalť fecit, Ideo secundum consuetudiñ manerij prędictť cõcess. est per cur quod prędd A.B. recuperet seisinã suam versus prædict' W.W. de tenementis predict' cũ pertiñ secundũ cons. manerť præd tenend eidem A.B. & hæred suis secund consuetudinem manerť quietť de prędd W.W. & hæred suis imperpetť & idẽ W.W. in mia, &c. Et modo ad istam cur dom

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in executione iudicij & recuperationis ꝑd̃ per Seneſ. ſuum conceſſit præfat̃ A. B. de teneme͂t præd̃ cum ꝑtiñ ſeiſiñ tenend̃ ſibi hæred̃ & aſſignñ ſuis per virgam ad volunt̃ dom̃ ſecundũ conſ. huiꝰ maner̃, & fecit inde dom̃ finem & fidelit̃ & admiſſ. eſt inde tenens.

Et poſtea ſcilicet ad iſtam eandem cur̃ ꝑd̃ A. B. adtunc preſens exiſtens ven̄, ac præd̃ W. W. ſurſ. reddidit in manus dom̃ tent̃ præd̃ cũ pertiñ ad opus & vſum prędict̃ A. B. hęred̃ & aſſignat̃ ſuoꝝ imperpet̃, Et vltet̃ prædict̃ W. W. remiſit, relaxauit, & omnia pro ſe & hæred̃ ſuis imperpet̃ quiet̃ claim præf. A. B. hæred̃ & aſſignat̃ ſuis in ſua plena & pacifica poſſeſſiȭ & ſeiſiñ exiſten̄ die confectionis preſent̃ totũ ius, ſtatum, titul. clameum, intereſſe, ſeu dem̃ād̃ ſua quecunque quæ vnquam habuit habet ſeu quoꝝiſmodo in futur̃ habere poterit de aut in tenementis prædictis cum pertinentijs aut in aliqua parcella eorund̃, Ita viz. qd nec pref. W. W. nec hæred̃ ſui aut al' eorũ aliquod ius, titulum, ſtatum, clam̃, intereſſe, ſeu demand̃ de aut in teneme͂t præd̃ cum pertinentijs ſuis, nec in aliqua parcell' eorund̃ de ceter̃ exigere, clamare, ſeu vendicare poterint nec debent in futur̃ ſed ab omni actione iuris, tituli, clam̃, vſus, intereſſe, & dem̃ād̃ inde pet̃ēd̃ imperpet̃ ſint excluſi & quilibet eorũ ſit excluſus imperpet̃ per præſent̃, Et̃ preterea prefat̃ W. W. conceſſit pro ſe & hæredibus ſuis quod ipſe warrant̃ tenement̃ præd̃ cum pertineñ præfat̃ A. B. &

hæredibus ſuis contra omnes homines imperpetuum.

Common recouerie in Entrie in le poſt by conſent.

Et poſtea ſcilicet ad iſtam Cur̃ venerunt R M.& W.M. & quærunt̃ verſus prædict̃ M.M. de placito terr̃ viz. de prædict' oct' acr̃ prati & fecerunt proteſtationem ſequi querelam iſtã in form̃ & natur̃ breuis domini regis de ingreſ. ſuper diſſeiſinam in le poſt. Et ſuper hoc præd̃ R. & W. M. in proprijs perſonis ſuis petunt verſus præd̃ M. M. p̃d octo acr̃ prati cum pertineñ in I. infra iuriſdictionem huius cur̃ vt ius & hæreditat̃ ſuam & in quas idem M. M. non habet inrgeſ. niſi poſt diſſeiſinam quam H. H. inde iniuſte & ſine iudicio fecit præf. R.& W. infra triginț annos iam vlterioselapſos,&c. Et vide dicunt quod ipſimet fuerunt ſeiſiti de p̃d octo acr̃ prati cum pertineñ in dominico ſuo vt de feodo & iure ad voluntatem domini ſecundum conſ. manerij præd̃ capiend̃ inde expleț ad valenc',&c. Et in quas,&c. Et inde producant ſect',&c.

Et prædict' M.M. in propria p̃ſona ſua veñ & defend̃ ius ſuum quando, &c. & vocat̃ inde ad warrant̃ præd̃ W.T. qui preſens eſt hic in cur̃ in propria perſona ſua & gratis prædict' octo acr̃ prati cum pertineñ ei warrant̃, Et ſuper hoc præd̃ R.& W.M. petunt verſus ipſum W.T.

W.T. tenent per warrant̃ ſuam præd̃ octo acr̃ prati cum pertineñ in dominico ſuo vt de feod̃ & iure ad voluntatem dñi ſecm conſ. manerij prædict' tempore pac' tempor̃ dom̃ regis nunc capiend̃ inde expleṽ ad valenc',&c. Et in quas &c. Et inde produc' ſect',&c.

Et prędict' W.S. tenens per warrant̃ ſuam defend̃ ius ſuum quando,&c. Et vlterius vocaẽ inde ad warrant̃ C.D. qui ſcilicet preſens eſt hic in cur̃ in propria perſoñ ſua & gratis prædict' octo acr̃ prati cum pertinentijs ei warr̃ &c. Et ſuper hoc ijdem R.& W.M. petũt verſus ipſum C. teneñ ad warrañ prædict' octo acras prati cum pertineñ vnde dicunt quod ipſimet fuerunt ſeiſiti de eiſdem octo acris prati cum pertiñ in dñico ſuo vt de feodo & iure ad volunt̃ dom̃ ſecund̃ conſ. manerr̃ præd̃ tempor̃ pacis tempore dñi regis nunc capiẽd̃ inde expleṽ ad valẽc',&c Et in quas,&c. Et inde produc' ſect',&c.

Et prædict' R.& W.M. petunt licentiã interloquend̃ & habent,&c. Et poſtea ijdẽ R. et W.M. reuenerunt hic in cur̃ ad iſtam eandem curiam in proprijs perſonis ſuis, Et prædict' T licet ſolempniter exact' fuit non reueñ ſed in contemptu cur̃ receſſit,& defalt̃ fecit, ideo cõceſſ. eſt, quod prædict' R. & W. M. recuperet ſeiſinam ſuam verſus prędict' M. M. de prędict' octo acris prati cum pertiñ,&c. Et quod idem M.M. habeat de terra præd̃ W. T. ad valenc' &c. Et quod idem W.T. vlteri⁹ habeat de terr̃ prædict'

prædict' C.D. ad valenc', &c. Et idē C. in mia, &c. Et ſuper hoc prædict' R. & W. M. petunt p̄ce p̄t de ſtabere faciēd̄ in eis plenar̄ ſeiſinā de prædict' octo acr̄ p̄rati cum pertinen̄ miniſtro cuī præd̄ dirigend̄ & eis conceditur rationabil' hic indilat̄, &c. Et poſtea ſcilicet iſto eodē primo die Aprilis ven̄ hic in cuī præd̄ R. & W. M. in proprijs perſonis ſuis & miniſt' cuī prædict', videl', R. W. certificauit cuī præd̄ quod ipſe virtute precept̄ prędict̄ ſibi inde direct̄ dict' primo die Aprilis habere fecit pref. R. & W. M. plenā ſeiſinā de præd̄ octo acr̄ p̄rati cum pertiñ prout per præcept̄ p̄dict̄ ſibi mandat̄ fuit, &c.

Et poſtea ſcilicet ad iſtam eandem curiam prædict' R. & W. M. & p̄dict' W. T. adtunc præſent̄ exiſten̄ venerunt, ac ſurſum reddiderunt in man' dom̄ in eadem cuī prędt̄ octo acr̄ p̄rati cū pertiñ ad opus & vſū p̄d̄ M. M. hær̄ & aſſign̄ ſuorū cui dom̄ per ſeneſchallum ſuum prædict̄ conceſſit inde ſeiſinā per virgā habēd̄ & tenend̄ ſibi & hæred̄ ſuis ad voluntatem dn̄i ſecund̄ conſuet̄ maner̄ prędt̄, &c. Et vlteri' p̄d̄ R. & W. M. & W. T. remiſerunt, relaxerunt, & omnino pro ſe & heredibus ſuis imperpetuum quiet̄ clam̄ præfat̄ M. M. hæredibus & aſſign̄ ſuis in ſua plena & pacifica poſſeſſione & ſeiſina exiſtens in plena cuī totum ius, ſtatū titulum, clameum, intereſſe, ſeu demand̄ ſua q̄cunque quæ vnquam habuerunt habent ſeu quouiſmodo in futuī habere poterint de aut in

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prędict' octo acr̄ prati cum pertinentijs aut in aliqua inde parcell', Ita videlicet quod nec p̄f. R.& W.M.& W.T.nec hāred̄ ſui aut aliquis eorum aliquod ius,titulum,ſtatū, clameū, intereſſe,ſeu demand̄ de aut in prædict̄ octo acr̄ prati cum pertinentijs ſuis nec debēt in futur̄ ſed ab omn ioccaſion̄ iuris,titul' clam̄,vſus,intereſſe,& demand̄ inde petend̄ ſint excluſi & quilibet eorum ſit excluſus in perpetuum per præſentes,Et præteria prędict' W. T. cōceſſit pro ſe & hæred̄ ſuis quod ipſe warr̄ p̄d octo acr̄ prati cum pertin̄ præf.M.M & hæred̄ ſuis cont̄ omnes homines imperpetuum,&c.

Det ſurr' emiſſit.

G.B.quęritur verſus R.G.de placito debit̄ xxx.s.iiij.d. pro eo viz. quod cum p̄dict' R.T.decimo die Aprilis ann̄,&c.apud I. infra iuriſdictionem huius cur̄ emiſſet de eodem G. B.treſdecim ligneas olei vocat̄ meate oyle pro quindecim ſolidis & tribus denarijs vnā centenam de madder̄ pro quindecim ſolidis & vno denario ſoluend̄ eidem C.B.cum inde requiſit̄ fuiſſet quæ quidem ſummæ in toto ſe attingunt ad p̄d̄ xxx.s.iiij.d. p̄d̄ tamē R.C.licet ſepius requiſit̄ prædictis xxx. s. iiij. d.eidē G. B.nondum reddidit ſed ill' ei hucuſq; reddere contradixit & adhuc contra dic' vnde dic' qd̄ deteriorat̄ eſt & dampn̄ habet ad valenc' x.s. Et inde produc' ſect',&c.

Et

Et prædict' R.C. per I.A. attornatum ſuum ven̄ & defend̄ vim & iniur̄ quando, &c. Et dic quod ipſe non debet prefat̄ G. B. prędict' 30. s. 4. d. ne aliquem denarium inde informa qua idem G.B. ſuperius verſus eum queritur ideo conſ. eſt quod prædict' R. C. vadeat inde legē ſuam ſe duodeñ manu pleg' de lege I. M. & R. F. & veneř cum lege ſua hic ad proxim̄ cur̄ in propria perſona ſua & dict' eſt prafat̄ Attorn̄ p̄dict̄ R. T. quod tunc habeant hic eundem R. C. magiſtrum ſuū in propria perſona ſua ad p̄ficiend̄ legem ſuam p̄dict̄, &c.

Ad quem diem hic veñ prędict' R. C. & perfecit inde legē ſuū p̄d̄ ſe xij. mꝛnu prout ea ſuperius vad' ideo conc' eſt ꝙ p̄d̄ quæř nihil capiat p̄ placitū ſuum p̄d̄ ſed ſit in miſ. pro falſo clamore ſuo inde, &c. Et ꝙ præd' defeat eat̄ inde fine die.

And as for all other actions which will lye in this Court, you ſhall find ſufficient preſidents for them in the hundred Court, parcell of this Booke, whereunto I refer you.

Breue de Grand Cape.

I. W. Seneſchalus balliuo eiuſdem manerij ſalutem, tibi præcipio quod capias in manum dom' per viſum proborum & legalium homiuum de manerio iſto tertiam partem vni' meſuag. & viginti acř terř cum pertinentijs in I.

quam

quam A.I.in cur̄ iſta,&c. clam̄ verſus T.I. nup de I.vt dotē ipſius A.ex donatiō prædict' C. I.quondam viri ſui per breue de dote vnde nihil habet pro defectu ipſius T.Et diem captionis ſcire fac' mihi,Et ſum̄ per bonos ſum̄ p̄dict' T. quod ſit hic ad proxim̄ cur̄ inde reſpond' & oſtend' quare non fuit hic ad vltimam cur̄ ſicut ſum̄ fuit, Et habeas ibi nomina eorum quibus hoc feceris ſum̄ teſte,&c.

Le entre de grand Cape.

A.quæ fuit vxor̄ C.I. per A. B. atturnatum ſuum obtulit ſe ad iſtam curiam verſus T.I. de placito terræ partis vnius meſuagij & viginti ac̄ terræ cum pertinentijs in I. qui eadem A. in cur̄ iſta hic clamat vt dotem ſuam ex dotatione prædict' I.C.quondam viri ſui eo quod tenement̄ prędict' ſunt infra dominum iſtud. Et mulieres quæ poſt mortem virorum ſuorū de tenementis in I. prędict' exiſtent̄ dotabiles ſunt ſecundum conſuetudinem de eodem manerio A.tempore quo non extat memoria hominum vſitat̄ de tertia parte eorundem dotari debent,&c. Et ipſe non venit & ſummon̄,&c. ideo per iudicium cur̄ tertia pars prædict' cum pertinentijs capiatur in manum domini, &c. Et diem, &c. prædict' ſumm' quod ſit hic ad prox. cur̄,&c.

Petit

Petit Cape.

I. W. Seneſchallus balliuo eiuſdem ſaluꝫ tibi præcipio quod capias in manum domiñ per viſum proborum & legalium hominũ de manerio iſto vnum meſſuagium cum pertinentijs qd A. C. in cur̃ iſta clam̃ vt ius ſuũ verſus B. R. p querel' de forma donationis in le remanere pro defectu ipſius B. & di̇ captionis ſcir̃ fac' mihi ad prox. cur̃, Et ſum̃ præd̃ B. R. qd ſit hoc coram, &c. tali die inde reſponſur̃ & oſtenſur̃ quare nõ fuit hic in cur̃ iſta coram, &c. tali die ꝓx' ꝑterit ſicut ſum̃ fuit, Et habeas ibi hoc p̃cept̃, & qualit̃, & c. dat̃, &c.

Le entrie de Petit Cape.

T. Q. ar̃ & I. vxor̃ eius per atturnatum ſuum opoñ ſe quarto die verſus H. B. de I. & A. vxorẽ eius de placit̃ tertiæ partis octo meſſuagiorũ & octo virgat̃ terr̃ cum pertineñ in I. quam præd̃ T. & I. in cur̃ iſta clam̃ vt dotem ipſius I. ex dotatione G. S. quondam viri ſui verſus eos, Et ipſe non veñ, Et habuerunt inde diem hic vſque ad hunc diem ſcilicet decẽ di̇ &c. poſtquam alias comparuerunt hic in cur̃, ideo per iudicium tertia pars p̃d̃ cum ꝑtiñ capiatur in manum dom̃. Et ipſi ſum, &c. qd ſint hic in die, &c. auditur̃ inde iudicium ſuum, &c.

Habere

Habere facias seisinam.

I.W. Senes. balliuo eiusdē salut, Scias quod A. B. in cur tenta tali die p cōsideration eiusdē cur recuperauit seisinā vnā versus B.C. de oct' acr terr cum ptin in I. per defalt pd B. Et ideo tibi pcipio q eidē A.B. plenariā seisinā de tenement pd cum ptin sine dilatione habere facias seisin. Et habeas ibi hoc pcept & qualit, &c. Dat, &c.

David Cowparke qua non stent sud vtlag Johan ap John in plito debit sicut sum fuit inde, sicut bis sum fuit inde Ideo ipe in mia

Johnes sup John qua no pd tft. quetela sua Ric. Dauid Cowparke in plito debit Ideo ipe in mia

Johnes Tho: qua no stent sud vtlag Thome Hughes in plito debit sicut sum fuit inde sicut bis sum fuit inde & q minus debent debit inde Ideo ipe in mia

& a: Th: de & pro non sut ten: ei in plito debit Ideo ipe in mia

& Thōa Hu: et Johnes Jo: Evans fuer pquer sud testificand veritat sup ..... atum sum et no tangunt Ideo ipi in mia

The manner and form how to keepe a Hundred Court, or *Court Baron, commonly called a* three-weekes Court, and a Court of Auncient Demesne, as followeth.

FIrst the Steward must enter in his Court Booke the Stile of the Court thus:

Cur' R. I. Mil' manerij fiue hundred de A. Westbrooke tent ibid tali die & anno, reciting the Kings stile at large: Coram A.B. & C.D. sect' eiusdem Cur.

This done, then the Bailife must say Oyes, that is, he must make an O-yes, and say Essoines and proffers before the Court three times, and then say, All manner of persons that haue any thing to do at this court, draw neere, and giue your attendance, and if any man will be essoined, let him come forth and he shall be receiued, or if any man will enter any plaints, let him come and he shalbe heard.

This done, if any man will enter anie Plaints, you must enter them after this manner:

A.B.

A. B. queritur versus C. D. de placito debit̃ vel de placito transgressiõn vel de placito captionis & iniuste detentionis aueriorum suorũ vel similia &c.

And if any man will be essoined, you must enter their essoines thus:

I. S. Essoiñ est pro sect' cur̃ per W. D.

Also there be foure other manner of essoins, which are seldome vsed to be cast, and these be they, viz. If a man be in the Kings warres or Embassage, or in any other of the Kings businesse, or beyond the seas, or if any man be sicke in his bed, or if any man bee letted or hindred by water, so that he cannot come to the court, which essoines must be entred after this manner:

I. S. essonat̃ est quia est in seruic' domini regis &c.

A. S. essoñ est quia est vltra mare.

T. S. essoñ est quia est de malo lecti.

W. G. essoñ est quia non potuit venire ꝓpt̃ fluxum vel altitudinem Aquæ.

And there be two other manner of essoines which are in plea, the one after Iumm. or attachment, and the other after issue ioyned, are to be entred after this manner.

I. S. qui summoñ fuit vel attachiat̃ fuit essẽdi hic ad hãc curiam, ad respondend̃ T. K. de placito debiti vel similia, modo essoñ est per D. W. &c.

And the other must bee entred after this manner.

I.S. qui habuit diem vsque ad hanc cur̄ ad exit iunct' inter T.K. quer̄ & I.W. defēd̄ modo essoñ est per D.W. &c.

And if it be vpon a wager in Law, then it must be entred after this manner.

I.S. qui habuit diem ad hāc cur̄ ad faciend̄ legem suam versus T.K. quer̄ in placito debiti modo essoñ est per W.D.

And in like manner the plaintife may be essoined if he will, and if the one partie be essoined at one Court, the other partie may be essoined at the next Court following.

And you must vnderstand, that whosoeuer will cast any essoine in these Courts, hee must come at the the beginning of the Court when proclamation is made, or else he ought not to be receiued.

And note also that in all these cases following, the partie cannot bee essoined: first if hee haue an Atturney in the selfe same plea present in the Court, or if the party himselfe bee seene in the Court, or if there bee no plea, if the partie made default at the last Court before, then hee cannot bee essoined, or if he come in by Capi corpus, or distresse, or if hee come in the end of the Court, he cannot bee essoined, as appeareth by the statute of Essoines made made in the 21 yeare of E. 3.

And

And you must also vnderstand, that for euery default that the defendant maketh after his appearance, and day giuen to answere or do his Law, and then make default at any day, he shall be called non-suit, and he and his pledges amercied, and that is where the plaintife is a stranger dwelling out of the iurisdiction of the Court, where he findes pledges, if the case should passe against him, his pledges must then pay the defendants cost, which is a thing euer reasonable, but seldome or neuer vsed.

And the Steward of the Court, at the beginning of the Court, must inquire of the Bailife how he hath serued the attachments and distresses, and other precepts to him directed, and if he say that they were serued, then call the parties, and if the plaintife haue not his declaration ready when the defendant appeareth, hee must be called non-suit thus, A. B. come forth and prosecute thy Action against C. D. or else thou wilt be non-suit, and if hee come not forth sedente cur̃, or some for him to craue further time to declare, which the Court in discretion may grant him, then hee shall bee non-suit of course, and if the defendant make default, processe must goe forth against him: and in a personall Action the proces are summons attachment, and distres infinite, which attachments and distresses must

be reasonable, and not outragious, according to the statute of Marlebridge cap. 4. And if the defendant make default vpon the attachment or distresse, they being serued, and so returned by the Bailife, then the goods so taken by attachment or distresse be forfeit to the Lord of the Court, and the defendant shall also be amerced, and a new Distringas shall goe out against him, And if the defendant appeare and then after make default, he shall bee condemned by default, and a nihil dicit entred against him, and the Steward must enter both the effect of the declaration for the plaintife, and of the plea or answere for the defendant.

And if the parties plead to an issue triable by an Inquest, proces must be made to summon the Iurie, viz. a venire fac', and if the defendant bee condemned eyther by default or by verdict, then a Leuari fac' shall be awarded to make leuie of his goods, and thereupon the defendants goods shall be taken, praised, and sold to satisfie the partie plaintife, and if the def. haue no goods whereupon leuie may bee made, then the pl. is without remedy, except it bee by a priuate custome which is vsed in some places to take the body, then the bodie may be taken by a Capias ad satisfac' and laid in prison, there to remaine vntill the pl. bee satisfied, but you must vnderstand that in a

countie

countie Court, hundred Court, or court Baron, there can be no plea held where the debt or damages amount to ten shillings or aboue.

And it is a marim in law, that in all courts which are not courts of record, the matter if it be for debt, ought to be tried by oath, that is, by wager of law by the def. and not otherwise, vnlesse it be by assent of both parties.

The forme of Proceſſe in baſe Courts which are Courts of Record.

A Summons.

PRec' eſt balliuo ibidem quod ſum̃ fac' C. D. quod ſit hic ad proxim̃ cur̃ ad reſpond̃ A.B. in placito debiti, det ẽtioñ, trñs, vel ſimil'.

An Attachment.

Prec' eſt balliuo ibid̃ q̃ attachiat C.D. per bona & catall' ſua, q̃ ſit ad prox' cur̃ ad reſpõdend̃ A.B. de placito debiti vel ſimilia.

A Diſtringas.

Prec' eſt balliuo ibid̃ q̃ diſtring' E. D. per bona & catalla ſua quod ſit ad prox' cur̃ ad reſpond̃ A.B. de placito debiti, &c. Teſte I. W. geñ Seneſ. ibidem.

Al' diſtring' & plur. diſtring'.

Prec' eſt balliuo ibid̃ ſicut al' vel ſicut plur̃ tibi

tibi præcept̃ fuit quod distringas,&c. vt supra

A Venire fac.

Præc' est balliuo ibid̃ q̃ ven̄ fac' 12. ꝓbos & legal' hoīes de balliuo suo, q̃ sint hic ad ꝓx. cur̄ ad triand̃ exit̄ iunct' inter A.B.quær̄ & C. D.def. de placito debit̄ vel similia.

And if a full Iurie doe not appeare, then as many as make default, and bee not essoined, shall be amerced, and a Decem tales awarded to summon tenne more, as followeth, and the same day y giuen to the first Iurie.

Decem tales.

Præc' est balliuo ibid̃ qd̃ venire fac' decem tales probos & legal' hoīes de ball' sua, q̃ sint hic ad ꝓx. cur̄ cũ alijs qui sibi adtunc & ibid̃ associentur ad triand̃ exit̄ iunct' int̄ A.B. quer̄ & C.D. defend̃ de placito debiti vel similia.

At which day as many as make default and be not essoined, shalbe amerced, and then an Octo tales shall be awarded, and after that if need be, a Sex tal'.

And if there appeare a full Iurie, then both the parties shall haue their challenges lawfull to the Iurors, and if the Iurie find for the plaintife, then they must giue cost of suit and

damages, and in the like manner they ſhall aſſeſſe damages, if they finde for an Auowant in a Repleuin &c.

A leuare fac'.

Præc' balliuo ibid' qd' de bonis & catallis G.D. leuare fac. xx s. quos A.B. in hac cur' recuperauit verſus eum in placito debiti, vel ſimilia, & pro miſ. & cuſtagijs ſuis 12. Ita qd' den' illos habeat hic ad prox. cur' ad reddend' p'd' A B. Teſte &c.

And if the Bailife returne that he can finde no goods of the ſaid C. D. then if the cuſtome ſerue, he may haue a Capias to take the bodie and lay him in priſon, vntill ſuch time as hee hath ſatiſfied the partie, the forme of which precept is thus:

A Ca: ad ſatisfaciendum

Præc' eſt balliuo ibid' qd capiat C. D. & eū in priſona ſua ſaluo cuſtod' fac' quouſq; ſatisfecit A.B. tam de xx. s. pro debit' quos p'f. A.B. recuperauit verſus eum quā 12. d. pro miſ. & cuſtag' ſuis &c. Teſte &c.

And if any goods be taken wrongfully, then the party grieued may haue a repleuin, which muſt be made after this manner.

A

A repleuin.

I. W. genes Seneſ. R. T. mil' R. F. ball' hundred de A. ſaluũ, Quia A. B. inuenit mihi ſufficient ſecuritatem tam de clamore ſuo proſequend quam de auerijs ſuis, videlicet, vno boue quę C. D. cepit, & iniuſte detinet vt dicitur returñ ſi returñ inde adiudicetur, Ideo tibi præcipio pariterque mando qd boue pd præf. A. B. ſine dilatione replegiar & deliberar fac' & poñ per vad & ſaluos pleg. prædict' G. D. quod ſit ad proxim cur apud A. prædict tenēd ad reſpōdend pręfat A. B. de placito captionis & iniuſte detentionis bonis prædict' Et qualiter hoc præcept meum fuerit execut mihi ad proxim curiam apud A. prædict' tenend conſtare fac' ſub periculo incumbent vno cũ hoc præcept dat ſub ſigillo meo x. die Aprilis, añ reg. dom noſtri Iacobi dei gratia Anglia, Franc' & Hib. reg. fidei defenſ. &c. 15. & Scoc' 51.

I. W. gen' Seneſchal. ibid.

And if the Bailife do not deliuer the plaintife his cattell by vertue of the ſaid Repleuin, **then the plaintife may haue an** Alias repleuin **with theſe words,** vel cauſam mihi ſignifices, **which** Repleuin **muſt be made after this manner.**

At

Al' repleuin.

I.W.gen̄ Seneſ.R.T.R.F.ball' manerij ſiue hund' ſui de A.ſaluſ,Quia A.B. inuen̄ mihi ſufficient̄ ſecur̄ tā de clamore ſuo ꝓ equend',&c. *as in the other repleuin*,Ideo tibi p̄cip̄ pariterq; mando,ſicut alias tibi mād̄ bouē p̄d̄ eidē A.B ſine dilatione replegiar̄ fac' vel cauſā mihi ſignifices,quare mādat̄ mea tibi inde direct' exequi noluiſti aut non potuiſti, Et poñ per vad' & ſaluos pleg',&c.vt antea *in the other Repleuin*.

And if the Bailife doe not deliuer the plaintife his cattell vpon this Repleuin, **nor ſhew ſufficient cauſe why he did not, then the party may haue a** Pluries Repleuin, vel cauſam mihi ſignifices, **which muſt be made** verbatim **as the** alias Repleuin **was made, onely changing this word** alias **into** Pluries. **And if the bailife returne vpon any of theſe** Repleuins; quod aueria elōgat̄ ſunt ad loca ſibi ignot', Ita quod aueria ill' p̄f.C.D.deliberar̄ non potuit. **Then the plantife may haue a Withernam, which muſt be made in this manner.**

A Withernam.

I.W.gen̄ Seneſ.R.T.milit̄ R.F.ball' maner̄ ſiue hund' ſui de A ſaluſ,Cū A.B.inuenit mihi ſufficient̄ ſecurit̄ tam de clamore ſuo ꝓſequēd̄

quam

quam de retorn̄ habend̄ de vno boue,&c.ſi retorn̄ inde adiudicetur quē E.D.apud C.cepit & iniuſte detinet vt dicitur, Et p̄d̄ ballui' ſup̄ diuerſ.precept̄ mea de repleg' fac' eidē balliuo direct̄ mihi certificauit qd̄ p̄d̄ bos elongat̄ eſt ad loca ſibi ignot̄, Ita qd̄ viſum eiuſdē habere non potuit, Ideo tibi p̄cipio pariterq; mando quod capias in Withern̄ catall' ad valēc' dict̄ bouis de catall' dicti C.D.ad deliberand̄ pref. A.B.pro boue p̄d̄ ſic elongat̄ & poñ per vad̄ & ſaluos pleg.p̄d̄ C.D. vt ſup̄ *in the firſt replevin, &c.*

Deliberatio.

I.W.geñ Seneſ.R.T. miles cur̄ manerij ſiue hund̄ ſui de A.R.F. ball' maner̄ ſiue hund̄,p̄d̄ necnon I.S.& R.B. balliuis hac vice tāt ſalut̄ & pte dñi regis vobis & cuilibet vr̄m cōiunct̄ & diuiſim mando qd̄ deliberari fac' ſeu vnus vr̄m deliberari fac' C.D.aueria ſua quæ A.B. cepit & iniuſte detinet contra vad̄ & pleg' vt dicitur,Et qd poñ ſeu &c. p̄d̄ A.B. qd̄ ſit hic ad p̄x' cur̄ tenend̄ p̄f C.D. inde reſponſur̄ de placito p̄d̄ & reſponſum huius p̄cept̄ mihi cōſtare fac' ſeu,&c.ad prox' cur̄ dat̄,&c.

Al' capias in Withernam.

I.W.geñ Señ R.T. mil' maner̄ ſiue hund̄ ſui de A.balliuo hund̄ de A. necnon A.D. &

C.B.

C.B. balliuis meis hac vice tantum itinerant̃ ſaluť. Quia R.E. balliuus hundred̃ præd̃ ad cur̃ hundred̃ illius coram me ten̄ apud A. tali die & anno &c. mihi returnauit quod virtute warranti mei ſibi plur̃ direct' acceſſit ad parcum I.D. apud locum vbi aueria præd̃ imparcat̃ & detēt fuerunt per eundem I.D. & aueria ill'e-un̄t & elōgat̃ fuerunt ante aduentum ſuū extr̃ hundred̃ pręd̃ ad loca ſibi ignot̃ per prædict' I.D. p q̄ aueria præd̃ balliuus præd̃ repleg' non potuit quare conſ.eſt per cur̃ volēt malic' ipſius I. obuiar̃ quod aueria prædict' I. caperentur in Withernam ad valenciam &c. & ea præfat̃ A.B. deliberentur ſaluo & ſecur̃ cuſtodiend̃ donec eidem A.B. aueria ſua prædict' ſecundum legem repleg' poteſtis & iuxta tenor̃ mandati mei præd̃, Ideo vobis & cuilibet vr̃m contim̃ & diuiſim mando quod capiat̃ ſeu &c. aueria p̄d̃ I.D. ad valēc' &c. in Withernam, & ea pręf. A.B. deliberari fac' ſeu &c. ſaluo & ſecur̃ cuſtod̃ quouſq; &c. Et diſtringat̃ ſeu &c. præf. I.D. Ita qd ſit apud A. ad prox. cur̃ ibid̃ tenend̃ ad reſpondend̃ præfat̃ A.B. de placito pręd̃ & reſpōſ. hui⁹ pręcept̄ mei conſtare fac' ſeu &c. ad prox. cur̃ dat̃ ſub ſigillo officij mei tali die & anno &c.

Note that when the ſaid Repleuin is granted, there muſt bee a band taken of him to whom it is granted, or ſome other for him, to appeare at the next court, and to proſecute his

his ſuit with effect, or elſe it may be preiudiciall both to the grantor of the Replevin, and to the executioner thereof, and the forme of that band and condition thereof is this.

An obligation vpon a Replevin.

Nouerint vniuerſi per præſẽtes me Antoñ D. de A. in com. S. geñ teneri & firmiter oblig' Richardo T. Mil' dom hũdred de A. in decem libr̃ bone & legal' monetæ Angl' ſoluẽd eidẽ Richard aut ſuo certo atrurnato, executor̃, vel aſſignat̃ ſuis, ad quam quidem ſolutionẽ breue & fideliter faciẽd obligo me hæred, exec', & adminiſtratores meos firmiter per præſent̃, ſigillo meo ſigillat̃, dat̃ x. die Febr̃ an regñ dom noſtri Iacobi dei gratia Angl', Scoc', Franc', & Hiberñ regis fidei defenſor̃, &c. viz. Angl'. Franc', & Hiberñ, 14. & Scocię 50.

The Condition thereof.

The Condition of this Obligation is ſuch, That if the aboue bounden A. D. doe appeare at the nert Court of the aboue named Sir R. T. to bee holden within this Manor of A. in the Countie of South-hampton, and then and there proſecute with effect his ſuit or action againſt A. B. for the wrongfull taking and detayning of his cattell, as he hath alleadged, and do make returne thereof,

of, if returne thereof shall bee adiudged in the said Court by course of Law, and also doe saue and kéep harmeleſſe the said I. W. Steward of the said court, and the bailifes in all things touching or concerning the granting or execution of the said Repleuin, without fraud, couin, or delay: That then this present obligation to be void, and of none effect, or els the same to stand, remaine, & continue in force, strength and vertue.

And if it bée ancient demeſne, then they they vse to acknowledge fines, and ſuffer recoueries of their land which they buy and sell within ancient demeſne, and that is by the Kings writ of Right Close, issuing out of the Chancerie, directed to the bailife of the court, and they are entred in the Court booke after this manner.

Alton Weſtbrroke, the forme and manner of a fine there.

Cur̄ Ric' T. & H. vxor. eius ibid̄ tēt die Iouis, viz. x. die I. an̄ reg, &c. *reciting the ſtile of the K. at large* corā Rich. B. & I. inſectatoribus eiuſdē cur̄ ſcd̄m cōſ. eiuſd̄ cur̄ a tempore cui' contrar̄ memoria hominum non exiſtit.

Ad hanc cur̄ ven̄ I. M. in ꝓpria ꝑſona ſua, & protulit hic in cur̄ breue dict' dom̄ regis de recto clauſo verſus I. F. & S. vx' ei' balliuo Ri. T. mil' & H. vxor. eius manerij ſui de Alton Weſt-

Weſtbrooke directi in forma iuris ſcđm cõſ. manerĩ p̃đ exequend & termiñ cuius quidem br̃is teñ ſequit̃ in hæc verb. Iaco. &c. & ſic recitãd tot̃ br̃ verbaŧ, &c. ſup quo p̃đ I. M. ſecunđ conſ. manerĩ p̃đ fecit ꝓteſtatioñ ꝓſequi br̃e ſuũ p̃đ verſus p̃f. I. F. & S. vx' ei' in forma & naŧ br̃is dom̃ reg, de conuenŧ ad cõem legẽ ad finem inde inŧ eos de teñtis p̃đ cũ ꝓtineñ in br̃e p̃đ ſpec' fiẽđ & leuanđ petend qd p̃đ I. F. & S. vx. eius teneant ei conuenc' de teñtis p̃đ cũ ꝓtiñ in Altõ W. Et inueñ pleg. de proſ. br̃e ſuũ p̃đ viz. I. D. & R. R. ſup quo ijdẽ I. S. & F. vx' eius ſolempñ exact' ſunt & cõparuerunt, Et ſuper hoc ijdem I. S. & F. vx' eius petũt licentiã concordandi cum p̃đ I. M. de placito prædict' & danŧ dom̃ pro tali licenc' iij, s. iiij. d.

Et eſt concord talis ſcz. qd I. F. & S. vx' ei' recogñ tẽŧ p̃đ cum pertineñ eſſe ius ipſ. I. M. vt ill' quę idem I, M. habuit de dono p̃đ I. F. & S. vx. eius, Et ill' remiſer & quiet̃ clam̃ de ſe & hæred ſuis p̃f. I. M. & hæred ſuis imperpet̃, & ꝓterea ijdem I. F. & S. vx eius conceſſ. pro ſe & hæred ipſius I. F. qđ ipſe warr̃ tenŧ p̃đ cum ꝓtineñ p̃f. I. M. & hęred ſuis conŧ præf. I. F. & S & hæred prædict' I. F. imperpet̃, Et pro hac recog' remiſſioñ quiet̃ clam warr̃ fine & concordia eidm I. M. dedit̃ p̃f. I. F. & S. vx' eius xl. marc' ſterling' &c.

The ſtile of the Court muſt be ſet down as it

it is before in the fine mutatis mutandis, and is as occasion shall serue. Then thus:

The forme of a Recouerie there.

AD hanc cur̃ venerunt R.H. & T. S. in ꝑ-prijs persõnis suis, & protulerũt hic in cur̃ breue domini regis de recto clauſ. versus I.M. halliuo R. T. Mil' & H. vxor̃ eius manerĩ sui de Alton̄ Westbrooke direct' in forma iuris ſcd̃m conſ. manerĩ ꝑd̃ exequend̃ & terminand̃ cuius quidem bris tenor̃ ſequit̃ in hæc verba, Iacobus &c. & ſic recitãd̃ breue verbatim vt ſupr̃ in the fine. Super quo ꝑdict R.H. & T.S. ſcd̃m conſ. manerĩ ꝑd̃ fecerunt proteſtationem proſequi breue ſuũ ꝑdict̃ verſus ꝑſ. I.M. in form̃ & narura bris dom̃ regis de recto ad cõmune̊ legem. Et inuenerũt pleg' de proſequẽd̃ bre ſuũ ꝑdict̃, viz. I. Doo. R. Roo, Et petũt proceſſum eis fieri verſus prętat̃ I. M. ſcd̃m cõſ. manerij ꝑdict̃, Et ꝑd', I.M. ſolempnit̃ exact' cõpetuit, Et venit hic in cur̃ in propria ꝑſona ſua. Super quo ijdem I.H. & T. S. petũt verſus præfat̃ I. M. tenement̃ ꝑdict' cum pertiñ vt ius & hered̃ ſuum, Et in quæ idẽ I.M. nõ habet ingreſſ. niſi poſt diſſeſinam quã H.H. iniuſte & ſine iudicio fecit ꝑſ. R.H. & T.S. infra triginꝯ ann' &c. Et vnde dicunt quod ipſimet fuerunt ſeiſit̃ de tenement̃ predict' cum pertinẽ in dominico ſuo vt de feodo & iure tempore pacis tempore dom̃ regis nũc capiẽd̃ inde expleſ. ad valenc'

&c.

&c. Et in quæ, &c. & inde producunt ſect', &c.

Et prædᵗ I.M. in propria perſona ſua vẽn & defendᵗ ius ſuum quando, &c. Et vocaᵗ inde ad warrantᵗ I.F. qui præſens eſt hic in curᵗ in propria perſona ſua, Et gratᵗ tenementᵗ prædictᵗ ei warrantᵗ, &c. Et ſuper hoc ijdem R.H. & T.S. petunt verſus ipſum I.F. tenementᵗ per warrañ ſuam tenᵗ pdᵗ cum ptiñ in forma pd, &c. Et vnde dicunt qd ipſimet fuerunt ſeiſitᵗ de tenemẽ pdᵗ cum ptiñ in dñico ſuo vt de feodo & iure tempor pacis tempor dñi regis nunc capiendᵗ inde expleſ. ad valenc', &c. & in quę, &c. & inde ꝓduc' ſect', &c. & pdᵗ I.F. tenens p warrantᵗ ſuam defendᵗ ius ſuum quãdo, &c. Et voc' inde ad warrãt I.P. qui ſimiliter pſens eſt hic in curᵗ in propria pſona ſua, & gratis tenᵗ pd cũ ptiñ eis warrantᵗ, Et ſuper hoc ijdem R.H. & T.S. petunt verſus ipſum I.P. tenen per warrañ ſuũ tenementᵗ pd cum ptiñ in forma pd, Et vnde dicunt qd ipſi met fuer ſeiſitᵗ de tentis pd cum ptiñ in dñico ſuo vt de feodo & in iure tẽpore pacis tempore dñi regis nunc capiendᵗ in expleſ. ad valenc', &c.

Et prædictᵗ I.P. tenen per warrant ſuũ defendit ius ſuũ qnando, &c. Et ponit ſe in magñ aſſiſam dom regis, & petit recogñ fieri vtrum ipſe maius ius habet tenẽdᵗ tenᵗ prędᵗ cũ ptiñ vt tenens inde p warrᵗ ſuã vt ille tenet. An pd R.H. & T.S habendᵗ eadẽ tenementᵗ cũ ptineñ vt ill' ſuperius petit, &c. Et pd R.H. & T.S. petunt licentiam inde interloquẽdᵗ & habẽt, &c.

Et postea ijdē R.H. & T.S. reuenerī hic in cur̄ scz. isto eodē die in ꝑprijs ꝑsoñ suis, Et p̄d̄ I. P. licet solempn̄ exact'̄ non reuenit sed in contemptu cur̄ recessit & defalt̄ fecit, Ideo cōs. est per cur̄ q̄ p̄d̄ R.H. & T. S. recuper̄ seisiñ suam vers. p̄f. I. M. de tenement̄ p̄ed̄ cū ꝑtiñ tenēd̄ eisdem R.H. & T.S. & hæredibus suis quiet̄ de prædict' I.M. & hæred̄ suis, Ac etiam de præd̄ I.F. & hæred̄ suis, Et etiam de prædict' I.P. & hæredibus suis imperpetuum, Et quod idem I. M. habeat de terr̄ prædict' I. F. ad valenc', Et quod idem I.F. habeat de terr̄ præd̄ I.P. ad valenc', Et idem I.P. in mia, &c.

Ex' per I.W.
Seneschallum ibm̄.

Now here doe follow diuers and sundrie formes of declarations and pleadings incident and belonging to this Court, as followeth.

A declaration for a debt vpon a specialtie.

WIll. S. sum̄ fuit ad respondend̄ E.F. de placito quod reddat ei 39. s. quos ei debet & iniuste detinet, &c. Et vnde idem E. per I.B. attorn̄ suū dic' q̄ cum p̄d̄ quinto die Martij anno regni domini regis nunc Angliæ &c. decimo tertio. Apud A. infra iurisdictionē huius cur̄ per quoddam scriptum suum obligatorium concessisset se teneri eidē E. in p̄d̄ 39. s. soluend̄

ſoluend eidem E. cum inde requiſit fuiſſet pd̄ tñ W. licet ſepius requiſit prædict' 39.s. eidē W. nondum reddidit ſed illos ei hucuſque reddere contradixit, & adhuc contradic' vnde dic' quod deteriorat̄ eſt, & dampnum habet ad valenc. xx.s. & inde produc' ſect', &c. Et profert hic in Cur̄ ſcripr̄ prædict' quod debitum præd. in forma præd̄ teſtatur cuius dat̄ eſt die & anno ſuprad̄, &c.

Pleg. de proſeq. { Ioh. Doo. / Rich. Roo.

Barre in Det.

Et præd̄ def. venit & def. vim & iniur̄ quād̄o, &c. Et dic' q; ipſe ſemper A. pręd̄ quint̄ die Marcij añ ſupradict̄ hucuſq; parat̄ fuit & adhuc exiſtit ad ſoluend̄ pd̄. quer̄ pręd̄ 39.s. Et illos hic in cur̄ profert parat̄ ad ſoluend̄ ſuper quo idem quær̄ 39.s ill' hic in cur̄ recepit, ideo pd̄ def. ſit inde quietus, &c. *Per priſt a paier & offer.*

A declaration vpon a bill Oblig'.

I. H. fuit ad reſpondend̄ I. H. de placito quod redd̄ ei 30.s. quos ei debet & iniuſte detinet &c. Et vnde idem I. H. per I. B. atturn̄ ſuū dic' quod cum pd̄ I. H. decimo quinto die Octob. anno regni domiñ regis nunc Angliæ, &c. 14. hic apud S. infra iuriſdiction̄ huius cur̄ p̄ quādam billam ſuam obligator̄ quā idē I. H. amō

ſigillo ipſius I. Holte ſigillat̃ hic in cur̃ profert cuius dat̃ eſt eiuſdē diē & añ cognouiſſet ſe debere eidē I. H. amon xv. s. ſoluēd eidē I. H. añ exec', adminiſt. vel aſſig. ſuis in vel ſuper feſtū Penticoſt. tunc px ſequen dat̃ billæ p̄d; Et ad eand̃ ſoluc' bene & fidel' faciend̃ ipē I. Holte obligaſſet ſe hær', exec', & ad niñ ſuos eidē I. Hamon in p̄d xxx. s. quos ipſe cognouiſſet ſe p billā ſuam p̄d ſatis facere pro non ſolutione p̄d xv. s. Et idē I. Hamon in facto dic' qd prę̄d I. Holte non ſoluit eidem I. H. añ. xv. s. nec aliquē inde denar̃ ſcd̃m form̃ & effect' billæ p̄d per qd actio accreuit idem I. H. añ ad habēd̃ & exigend̃ de p̄f. I. Holte p̄d xxx. s. p̄d tamen I. Holte licet ſepius requiſit eoſdē xxx. s. eidē I. Hamon nond̃ reddidit ſed ill' ei hucuſq; reddere contradixit & adhuc cōtradic' vnde dic' qd̃ deterior eſt, Et dampn̄ habet ad valenc' x. s. Et inde produc' ſect', &c.

Barre per deins age.

ET p̄d I. Holte per I. F. attor̃ ſuū ven̄ & def. vim & inur̃ quando, &c. Et dic' qd̃ ipſe de debito p̄d virtut̃ bill' p̄dict' onerari non debet quia dic' qd̃ ipſe tempore confectionis bill' p̄d fuit infra ætatē 21. añ, Et hoc parat̃ eſt verific' vnde pet̃ iudic' ſi p̄d I. Hamon actionē ſuā p̄d virtute bill' præd̃ in forma p̄dict̃ fact' verſus eum habere debeat, &c.

Replic'

Replic' & Reioinder.

ET ꝑdict' I. Hamon dic' qd ipſe per aliqua præallegat' ab actione ſua ꝑd' habend' precludi non debet quia dic' qd ꝑd' I. Holt tẽpore confectiõn billæ ꝑd' fuit plene ætatis 21. annꝫ & non infra ætat', Et hoc pet' q̃ inquiratur per pr̃iam, Et ꝑd' I. H. ſimilit' Ideo duodecẽ &c.

Det ſur reteiner pur wages.

A.B. &c. ſum̃ fuit adreſpond' C.D. de pl'ito qd reddat ei 39.s. qd ei debet & iniuſte detinet &c. Et vnde idem C. ꝑ D.W. attorn̄ ſuum dic' qd cum ꝑd' A. x. die Martij annꝫ &c. apud S. infra iuriſd' huius cur̄ retinuiſſet ipſum C. ad deſeruiend' dicto A. ad eodem die per vnũ añ integrũ tunc ꝓx. ſequeñ in officio vnius valeat' ad præcept' & negotia ipſius A q̃cunq; licit' & honeſta pro poſſe & ſcire ſuis agend' ſolicitãd' & exequend' capiend' de eodem A. ꝓ ſalar' ſuo per tempus illud 39.s. idemque C. ꝑd' A. in offic' ꝑdict' per tempus præd' bene & fideł' deſeruiſſet, oĩa præcept' & negotia ſua licita & honeſta pro poſſe & ſcire ſuis per idem tẽpus bene & fidelit' feciſſet ſolicitaſſet & execut' fuiſſet, ac ꝑdict' 39.s. eidem C. ꝓ ſalario ſup ꝑd' per tempus præd' arretro exſtitiſſent non ſalu' per qd actiõn accreuit eidem C. ad exigł d' & habẽd' de præł. A. eoſdem 39.s. prædict' ta-

men A. licet ſepius requiſit prædꝫ 39. s. eidem C. nondum reddidit ſed illos ei hucuſq; reddeꝝ contradixit & adhuc contradic' vnde dic' qd deterioꝝ eſt, Et dampnum habet ad valenc' x. s. Et inde produc' ſect, &c.

Barr' per rien lui doit.

Et prædictꝫ A.B. per I.W. atturñ ſuum veñ & def. vim & iuiuriam quando, &c. Et dicit qd ipſe non debet præfatꝫ C.D. prædict 39. s. nec aliquem denarꝫ inde in forma qua idem C. ſuperius verſ, eum warrantꝫ, Et hoc peꝫ quod inquiratur per patriam, Et prædictꝫ A. ſimil', &c. Ideo I 2, &c.

A confeſſion in debt.

Et pd̄ A. per I.W. atturñ ſuum venit, &c. Et dicit quod ipſe non poteſt dedicere actionem prædict' C. præd̄ nec quia ipſe debet præf. C. prędict' 39. s. prout prædict' C. ſuperius verſ eum narrauit, Ideo conc' eſt q̄ præd̄ C. recuperet verſus præfat. A, debitum ſuum præd̄ & dampna ſua occaſione detentionis debiti illius ad 40. s. eidem C. ex aſſenſu ſuo per curꝫ hic adiudicatꝫ, Et pd̄ A. in mia, &c.

Des ſur mutuatus.

A.B. attach. eſt ad reſpondꝫ E.E. de placito quod

quod reddat ei 30.s. quos ei debet & iniuſte detinet, Et vnde idē E F. per I.W. atturñ ſuū dicit quod idem prædᵈ A.B. 10. die F. anñ, &c. apud, &c. infra iuriſdictioñ huius Curᵉ mutuatᵗ fuiſſet de eodem E.F. prædᵈ 30.s. ſoluend' eidē E.F. cum inde requiſitᵘ fuiſſet prædᵈ tamē A.B. licet ſepius requiſitᵘ prædᵈ 30.s. eidem E.F. nō. dum reddidit ſed ill' ei hucuſque reddere contradixit & adhuc contradic, vnde dic' ꝙ deterioratᵗ eſt, Et dampñ habet ad valenc' x.s. Et inde ꝓduc' ſectam, &c.

Imparlance.

Et prædᵈ A. ꝑ S. T. atturñ ſuum veñ & def. vim & iniurᵉ quādo, &c. Et petᵗ licenc' inde interloquendᵈ hic vſq; ad prox. curᵉ, Et habet, &c. Idem dies datᵗ eſt præf. C. hic, &c.

Per minas.

Et ꝑdᵈ W. per N.E. atturñ ſuum veñ & def. vim & iniurᵉ quando, &c. Et dicit quod ipſe de debito prædict' virtutᵉ ſcriptᵉ onerari non debit quia dic' quod ꝑdᵈ R. tempore confectionis ſcriptᵉ prædict' eidem W. tales & tātas minac' de vita ſua & mutulatione membrorū ſuoꝝ ſibi inferendᵈ niſi ipſe ſcriptᵘ prædᵈ ꝑfatᵘ R. facere & ſigillare vellet apud A. infra iuriſdictionem huius curᵉ impoſuit ꝙ idem W. ſcriptᵘ illud ob metum minarum illarum ꝑf. R. adtunc & ibi-

dum fecit, Et hoc paratꝰ est verificare vnde petꝰ iudicꝰ si predꝰ R. actiõ suam predꝰ virtutꝫ script predictꝫ versus eum habere debeat, &c.

Et pdꝰ R. dicꝰ qd ipse per aliqua preallegatꝫ ab actione sua prædꝰ habendꝰ pcludi non debet quia dicꝰ qd prædꝰ A. tempore confectionis scriptꝫ pdꝰ fuit sui iuris ad largum & scriptꝫ illud ex mera & spontanea voluntatꝫ sua prætatꝫ W. fecit & non ob metum minarꝫ prout prædꝰ R. placitando allegauit, Et hoc petꝰ qꝺ inquiratꝫ per pꝛiam, Et prædꝰ R. scz. Ideo xij, &c.

Barrꝫ per protestationem.

Et prædictꝰ A. B. per T. C. attornꝫ suũ venꝫ & defꝫ vim & iniurꝫ quando, &c. Et dicꝰ qd pdictꝰ R. S. actiõ suam pdꝰ inde versus eũ haberꝫ seu manutenerꝫ non debet quia protestãdꝰ qd nullꝰ talis collocutio intꝫ pꝛꝫ. A. & R. habitꝫ fuit ꝙ idẽ &. deliberꝫ præꝫ. R. prædꝰ duas pecias, &c. in pt satisfaction pd 39. s. in narrꝫ prædꝰ specꝫ protestando etiam ꝙ pdictꝰ A. non adduxit secũ pdꝰ C. in narrꝫ predꝰ etiam specꝫ ad predꝰ duas pecias, &c. asportandꝰ ad dicipiendꝰ & defraudandꝰ prædꝰ R. de pd duabus pecijs prout in narrꝫ pd supeꝫ suppoñ ꝓtestando etiã ꝙ prædꝰ. A. adhibens fidẽ assumptioni prædꝰ R. non deliberauit præꝫ. C. predꝰ duas predꝫ. &c. per limitation & assumpꝫ. dicti A. ꝓut in narrꝫ predꝰ etiã suppoñ ꝓtestando etiã ꝙ quedã collocutio habita fuit inter prædictꝰ A. & R. qd prædꝰ R. deliberaret

in

in mutuo ꝑf. A. 29. s. in pecunijs numeratꝰ ſub certꝫ condic' & ſuper inde concordꝫ non potuerꝫ Ideo prędꝫ locuꝫ vacua & nulliꝰ vigoꝝ fuit, Et ꝓ placit idē A. dic' ꝙ ipſe non ꝓmiſit nec ſuper ſe aſſumpſit modo & formꝫ ꝓut præd. R. ſup verſ. eū q̄rit, Et hoc petꝫ ꝙ inquiꝝ per pꝛiã Et præd' A. ſimil', Ideo 12, &c.

Barr' per concord.

Et prædict' A. per I. W. Atturñ ſuum veñ & def. vim & iniuꝝ quando, &c. Et dic' ꝙ præd. C. actionē ſuã præd' inde verſ. eū hēre ſeu manutenerꝫ non debitꝫ quia ꝓteſtandꝫ ꝙ. non cogñ aliqua in narrꝫ præd' fore vero ꝓ pl'ito tamē dic' ꝙ poſt aſſumptionē & ꝓmiſſionē pd' fieri, ſc. 10. die M. añ, &c. apud, &c. inꝫ eund A. pf. C. tã de aſſumptione & promiſſ. præd' quã de oĩbus alijs tranſgꝝ & offenc' inꝫ ipſum A. & præt. C. ante eund' 10. diē M. habitꝫ fact' motꝫ & perpetratꝫ ſiue pendeñ per mediationē amicorū ſuoꝝ inter eos amicabiliꝫ inꝫ venieñ talis habebatꝫ concordia, viz. ꝙ idē I. in pleñ ſatisfact' & relaxationē tã aſſumptꝫ vnde præd' R. ſuperiꝰs ſe modo queꝝ quã oĩum aliorꝫ tranſg. & offenc' ꝓ ipſ. I. ante tēpus illud præt. R. factꝫ daret eidem R. 2. vacc' & ꝙ idē I. extunc verſ. præf. R. tã de aſſump. & ꝓmiſſionē præd' quã de oĩbus alijs tranſgꝝ & offenc' eſſet quietꝰ imperpetꝫ, Et idē I. dic' ꝙ ipſe adtunc & ibid' dedit & deliberauit pf. R. 2. vacc', Idēq; R. 2. vacc' ill' de eod' I.

adtunc

adtunc & ibm̃ recepit iuxta form̃ & effect' cõcordij p̃d', Et hoc parat̃ est verificar̃, &c.

Nul tiel concord.

Præcludi non quia dic' q̃ non habeat aliqua talis cõcordia int̃ ipſ. R. & p̃f. I. modo & form̃ quibus idẽ I. ſuper in bar̃ placitãd' allegauit, Et hoc pet̃ q̃ inquirat̃ p̃ p̃riã, Et p̃d' I. ſcz. Ideo xij, &c.

Count ſur bailement per auter mainet.

T. G. ſum̃ fuit ad reſpond̃ N. P. depl'ito qd redd̃ ei 30. s. quos ei debet & iniuſt' detin̄, &c. Et vnde idẽ N. p̃ R. L. at̃ ſuũ dic' q̃ cum quid̃ P. R. vlt̃ die I. añ reg. dñi regis nũc Ang. &c. x. apud B. infr̃ iuriſd̃ hui' cur̃ liberaſſet p̃f. T. G. p̃d' 30. s. ad ſoluend̃ & deliberãd̃ eidẽ N. quadocunq; p̃f. T. G. ipſ. N. foret requiſit̃ p̃d' tñ T. C. licet ſepius requiſit̃ p̃d' 30. s. eidẽ N. nõd̃ reddidit ſed ill' ei hucuſq; reddere contradixit & adhuc contradic vnde dic' q̃ deterior̃ eſt, Et dãp̃n̄ habet ad valenc' x. s. Et inde ꝓdue' ſect' &c.

Rien luy doit per ley.

Et p̃d' T. p̃ B. C. at̃ ſuũ veñ & defendit vim & iniur̃ puando, &c. Et dic' q̃ ipſe nõ debet p̃f. N. p̃d' 30. s. nec aliquẽ denar̃ inde form̃ qua idẽ N. ſuper̃ verſ. eũ narrauit, Et hoc parat̃ ẽſt defendere cont̃ ipſ. & ſect' ſuã p̃ legẽ ipſi' T. ꝓut cur̃ hic conc' inde faciend̃, &c. vnde pet̃ iudic' ſi p̃d' N. actiõn ſuã p̃d' verſ. eum manutenere debeat, &c.

Demur.

Demurrer ſuperinde.

Et præd' N. dic' p̄d defenſio p̄d T. p legem ſuã faciend' p̄tẽſa nõ eſt ſufficiens exit nec admitibilis ad ipſ. T. cont' p̄d mater' in narration' ipſius N. content' ab actione ſua p̄d habẽd' p̄cludend' vnde pet' iudic' & debit' p̄d vna cum dapnis, &c. p defectu ſufficient' reſponſionis & exitus in lege ſibi adiudicari, &c.

Et præd' T. ex quo p̄d reſponſio & dict' defenſio ſua p legẽ ſuã faciend' in form' p̄d p̄tenſ. ſufficientes reſponſio & exitus admittibiles ſũt in lege ad p̄d N. ab actione ſua p̄d habend' p̄cludend' & p̄d N. legẽ ipſius T. in hac pte faciend' admittere omnin recuſat petit iudic' & q̄ p̄d N. ab actione ſua p̄d habend' p̄clud', &c.

Det port per exec' verſ. exec' ſur ſpec'.

A. T. exec' teſt' T. B. ſum' fuit rendend' E. W. exec' teſt. S. A. de pl'ito q̄ ipſe ſimul cũ C. coexecutor p̄d T. teſt. p̄d T. redd' ei 3. 8. s. quos ei iniuſte detin, &c. Et vnde idẽ E. p I. W. at' ſuum dicit qd cum prædict' T. B. viceſimo die Auguſti anno &c. apud P. infra iuriſdictionem huius Cur' per quoddam ſcriptum ſuum obligatorum conceſſit ſe tenere eidem S. in prædict' 38. s. ſoluend' eidem S. in feſt. &c. prædict' tamen T. in vita ſua nec prædict' execut' teſt'

teſt' poſt mort̃ eiuſdem T. licet ſepius requiſit̃ præd. 38. s. præf. S. in vita ſua nec eiſdē execut̃ poſt mort̃ eiuſdem S. nō reddiderunt ſed ill' ei reddere contradixerunt & adhuc contradicūt & ill' ei adhuc iniuſte detinet vnde dic' q̄ deteriorat̃ eſt & dampn̄ habet ad valenc' x. s. Et inde ꝓduc' ſect', &c Et ꝓfert hic in cur̃ tā ſcript̃ præd quā alias teſtam̃ per quas ſatis liquet ipſ. E. fore exec' teſt' præd S.

Det port per adminiſtr'.

W. W. ſum̃ fuit ad reſpond̃ I. A. adminiſtratrici oīum & ſingul' bonor̃ & catall' quæ fuer̃ L. A. qui obijt inteſt' vt dicitur de placito qd reddat ei 39. s. quos ei iniuſt' detin̄, &c. Et vnde eadē I. ꝑ I. W. atturn̄ ſuū dic' q̄ cū ꝓd. W. tali die & ann̄, &c. apud S. infra iuriſdict̃ huius cur̃ per quandā bill' ſuam oblig. quam eadem I. ſigill' præd W. ſignat̃ hic in cur̃ profert cuius dat̃ eſt eiſdē die & an̄ cognouiſſet ſe deber̃ ꝓf. L. prædictos 39. s. in vita ſua ſoluend eidem L. apud talem feſt. ꝓx, &c. Et ad eādem ſolutiō bene & fideliter faciēd præd W. obligaſſet ſe hēr & execut̃ ſuos per eandem bill' præd tamē W licet ſepius requit̃ præd 39. s. præf. L. in vita ſua ſeu eodem I. poſt mortē eiuſdem L. cui adminiſtr̃ oīum bonor̃ & catall' quæ fuer̃ præd. L. tempor̃ mortis ſuæ per W. L. Legū Doctor̃ cur̃ prōgatiue Cantuar̃ Magiſter̃ 20. die Maij, an̄ dñi 1616. apud L. præd poſt mortem præd L. commiſſus fuit nō reddidit ſed ill' ei redder̃ contra dixit & ill' eædem I. redder̃ contradic'

ac

ac iniuſte detinet vnde dic' ꝙ deteriorat eſt, Et dampn̄ habet ad valenc' 20.s. Et inde prodi c' ſect, &c. Et pfert hic in cur̄ litr̄ adminiſtr̄ prædict' W.C. per quas, &c.

Non ſum informatus.

Et prædict' W. per N.E. atturn̄ ſuum ven̄ & def. vim & iniur̄ quando, &c. Et dict̄ eſt eidē atturn̄ eiuſdem W. ꝙ pro eodem W. magiſtro ſuo pref. I. in loquela prædict' reſpond', Et idem atturn̄ dic' ꝙ ipſe non eſt informatus per eundem W. magiſtrum ſuū de aliqua reſponſ. pro eodem W. præf. I. in loquela prædict̄ dand', Et nihil aliud inde dicit p ꝙ idem I. rem̄ verſ. p̄f. W. inde in def. Ideo conc' eſt ꝙ p̄dict̄ I. recuperet verſus p̄f W. debitū ſuum p̄d & dampn̄ ſua occaſion̄ detenc' debit̄ illius ad 56.s. eidem I. ex aſſenſu ſuo per cur̄ hic adiudicat̄ & p̄dict̄ W. in mīa, &c.

Plene adminiſtravit.

Et p̄dict̄ A. per T.B. attorn̄ ſuum ven̄ & def. vim & iniur̄ quando, &c. Et dic' qd̄ p̄dict̄ q̄r actionem ſuam prædict̄ verſus eam habere non debet quia dic' qd̄ ipſa pleñ adminiſtravit oīa bona & catalla quæ fuer̄ p̄dict̄ I. tempor̄ mort̄ ſuæ, Et qd̄ ipſa null' habet bona ſeu catalla quę fuer̄ eiuſdem I. tempore mortis ſuæ in manib' ſuis adminiſtrand̄ nec habuit die intrationis placiti ipſius quær̄ nec vnquam poſtea, Et hoc parat̄ eſt verificare vnde petit iudic' ſi prędict̄ quer̄ actiō ſuā p̄d verſus cū habere debēt, &c.

Replica-

Replication & reioinder.

Et ꝑd̄ queř dicit ꝙ ipſe ꝑ aliqua preallegaţ ab actione ſua ꝑd̄ habend̄ pcludend̄ nō debet quia dicit ꝙ pd̄ defend̄ dicit intratione placit̄ pd̄ queř ſcz. tali die añ, &c. habuit diuerſa bona & catall' q̄ fuer pd̄ I. tempore mort ſuæ in manib' ſuis adminiſtrand̄ ad valenc' debit̄ pd̄ vnde eidē quit̄ de debit̄ illo ſatisfeciſſe potuit viz. apud A. infra iuriſd̄ hui' cuf, Et hoc pet̄ ꝙ inquirāt̄ per p̄riam, Et pd̄ def. ſcz. Id. r r, &c.

A ſpeciall non eſt factum.

Et pd̄ def. per G. P. attř ſuū veñ & def. vim & iniuř quādo, &c. & dic' ꝙ ipſe de debit̄ predict' virtute billæ pd̄ onerari non debet quia dic' ꝙ poſtqnā idem def. ſigillauit & deliberauit billā pd̄ pf. queř billa illa de nouo ſcript̄ & interliniaţ fuit in iſtis verbis, viz. Th. Curweñ per ꝙ billa illa ſic de nouo ſcript̄ & interliniaţ vim ſuā perdidit & effectū. Et ſic billa pd̄ non eſt fact. ſuū, Et de hoc poñ ſe ſup p̄riam, Et pd̄ queř ſcz. &c. Ideo, xij. &c.

Nihil dic' indebito.

Et prædict. defend̄ per A. B. atturñ ſuū veñ & defend̄ vim & inuř quādo, &c. & nihil dic' in barř actionis prædict̄ queř præd̄ per quod idem queř remañ verſus eundem defend̄ inde in def: Ideo cond. eſt quod prędict. queř recuperet verſus præf. defend̄ debitū ſuū pd̄ & dampna

dampna ſua occaſione detentionis debiti illi⁹ ad x.s. eidem queř ex aſſenſu ſuo per Cur̄ hic adiudicat̄ & præd̄. def. in mia, &c.

Action ſur le caſe ſur indebitatus aſſumpſit.

G.D. per R.M. attorn̄ ſuum queritur. verſ. R. D. de placito treſpās ſuper caſum pro eo quod cum prędict' def. indebitatus fuit præfat' queř in xj.s. legal' monet' Angl' ꝑ vna tunica Anglice a Ierkin p ipſ. quęr p̄f defend̄ prius vend̄ & deliberat̄, Et ſic indebitatus exiſtens poſtea ſcz. 1. die I. añ, &c. apud S. infra iuriſd̄ hui⁹ cur̄ p̄d̄ def. in conſideratione inde ſuper ſe aſſumpſit, & eidē queř adtunc & ibm̄ fidelit̄ promiſit ad ſoluend̄ eidem queř p̄d̄ xj.s. p̄d̄ tamen def. ꝑmiſſ. & aſſumpt̄ ſuas p̄dict̄ minime curās ſed machinans ipſ. queř de p̄d. xj.s. calide deciper̄ & defraudare p̄d̄ xj.s. eidem queř nondū ſoluit licet eidē qur̄ ſoluend' poſtea ſc. dictis die añ & loco infra iuriſ. hui⁹ cur̄ per ipſ. queř requiſit̄ fuit ad dāpn̄ ipſius queř x.s. Et ind' produc' ſe't', &c.

Pleg' de proſeq. { Io. Doo. / Ric. Roo.

Alit' indebit' aſſumpſit.

I.C. attach. eſt ad reſpondend' I.W. de placito tranſgr̄ ſuper caſum, & vnde idem I.P, per I.S. att̄ ſuum dic' quod cū prædict' I.C. primo die Oct. añ, &c. hic apud S. infra iuriſdiction̄ huius

huius Cur̄ indebitatus fuisset præfat̄ I. W. in summa 38.s. legal' monet̄ Angl' pro arrerag. reddit̄ vnius mes̄uag. & vnius acr̨ terr̨ & pro diuersis denar̄ summis in mutuo deliberat̄, Ac etiam pro diuersis alijs rebus eidem I. per prędict' I. ante tempus illud debit̄ & solubil', & sic inde indebitat̄ existen̄ idem I. G. in cōsideratione inde super se assumpsit quod ipse idem I. C. præd̄ 38.s. eidem I. W. cum inde requisitus fuisset bene & fideliter̄ soluere & contentar̄ vellet, prædict' tamen I. C. promissiōn & assumpt̄ suas præd̄ minime curans sed machinās & fraudulenter intendens eundem I. W. in hac parte callide & nequiter decipēr & defraudere prædict̄ 38 s. eidem I. iuxta promiss. & assumpc̄ suas prædict̄ licet ad hoc postea scz. 10. die Oct. an̄ regni dn̄i regis nunc xiij. suprad̄ apud S. præd̄ per eundem I. requisit̄ fuit non soluit sed illos ei omnio hucusque soluere contradixit. Et adhuc contradic' vnde dic' q̄d deteriorat̄ est, & dampn̄ habet valenc' x.s. Et inde produc', fect̄, &c.

Non assumpsit.

Et præd̄ I. per I. W. attorn̄ suum ven̄ & def. vim & iniur̄ quando, &c. Et dic' q̄d nō assūpsit eidem quer̄ modo & form̄ prout pręd quer̄ superius versus eum queritur̄. Et de hoc ponit se super pr̄iam, & prædict̄ quær̄ similit̄, Id' xij, &c.

Alia

Actio ſur le caſe ſuper inſimul computaſſent.

R.S. queritur de N.W. de plac' trāſgr̄ ſuper caſum pro eo viz. qđ cum quidā H.W. & R.H 2. die I. anñ, &c. apud A. infra iuriſdictiõn hui' cur̄ inſimul comptaſſent cum eodē R. de diuerſis denar̄ ſummis ante tempus illud pro arrerag' reddit̄ & al' rebus eidē R. per p̄đ H. & R. debit̄ & ſolubil' & ſuper cõp. illo ijdē H. & R. inuenti fuiſſēt in arreragijs erga p̄ęđ R. in ſũma 36. s. legal' monet̄ Angl' ſoluend eidem R. cum inde requiſit̄ eſſent cumq; etiam p̄đ W. adtunc & ibiđ ſimilit̄ eodem 2. die I. anno 8. ſupradict̄ apud A. p̄ęđ inſtātiſſime requiſiuit p̄ęđ R. quatinus idē R. acquietaret & exoneraret p̄ęđ H. & R. de p̄ęđ 36. s. p̄ęđ N. in conſideratiõn inde ſuper ſe aſſumpſit & eidem R. adtunc & ibiđ fidelit̄ promiſit q̄ ipſe idem N. p̄đ 36. s. eidē R. cũ inde requiſit̄ eſſet bene & fidelit̄ ſoluere & contētare vellet. Et idē R. in facto dic' qd ipſe fidē adhibens promiſſioni & aſſumptioni ipſius N. p̄đ adtũc & ibiđ acquietauit & exonerauit p̄đ H. & R. de p̄đ 36. s p̄ęđ tamē N. p̄miſſ. & aſſump' ſuas ađ minime curans ſed machinans & fraudulēt̄ intendens eundem R. in hac p̄te calide & nequiter decipere & defraudare p̄đ 36. s. eidem R. licet ad hoc apud A. p̄đ infra iuriſdictiõn p̄đ poſtea ſcz. vltimo die I. anno regni dicti dñi regis nunc 8. ſuprađ per p̄ęđ R. requiſit̄ fuit non

ſoluit nec aliqualiter ꝑ eiſdem hucuſq; con-
tẽtauit per ꝙ idem R. dic' quod ipſe totũ lucr̃
commodũ & profic̃uum quæ ipſe cum prędt̃
36.s. emendo vendẽdo liciteq; barganizando
habere & lucrare potuiſſet ſi p̃dt̃ M. ꝑmiſſ. &
aſſumpt̃ ſuas prædt̃. ſic in forma prædt̃ fact̃ te-
nuiſſet & performaſſet totaliṫ ꝑdidit & ami-
ſit vnde idem R. dic' quod deterioraṫ eſt, Et
dampnum habet ad valenc' xx.s. & inde pro-
duc' ſecṫ, &c.

Action ſur le caſe ſur indebit' aſſumpſit.

T. E. queritur verſ. B. B. de placito trãſgr̃ ſu-
per caſum per eo viz. ꝙ cũ prædt̃. B. primo die
I. añ regni dñi regis nunc Angliæ, &c. nono
apud A. infra iuriſdictionem huius cur̃ in cõ-
ſideratione quod prædt̃. T. ad ſpecialẽ inſtãc'
& requiſitionem ipſius B. adtunc & ibidem
mutuo dediſſet & accommodaſſet eidem B.
30.s. bonæ & legalis monetæ Angliæ ſuper ſe
aſſumpſit & eidem T. adtunc & ibidem fideliṫ
promiſit quod ipſe eidẽ B. 30.s. bone & lega-
lis monetæ Angliæ eidẽ T. cum inde requiſit̃
eſſet bene & fideliṫ ſoluere & contẽtare vellet
prædict', tamen B. promiſſ. & aſſũpt̃ ſuas præ-
dict' minime curãs ſed machinãs prædict̃ T.
de prædict' 30.s. calide & ſubdole decipere &
defraudare prædict̃ 30. s. præfaṫ T. licet per
eundem T. poſtea ſcilicet primo die Octob.
añ, &c. ſupradict' apud A. prædict' requiſit̃
fuiſſet

fuiſſet iuxta promiſſ. & aſſũpſ. ſuas prædꝫ nõ-dum ſoluit nec aliqualiter contentauit per qd prædict' T. in nedec' ſua erga diuerſ. dicti dñi regis nunc ſubditꝫ & ꝑcipue erga F.M. cui idẽ T. in conſil' ſummã 30.s. indebitatꝫ fuit, Ac cui idem T. eoſdẽ 30.s. ad rect' diem iam diu præ-teritꝫ ſuper ſpe fidel' performationis ꝓmiſſ. & aſſumptꝫ ꝓdꝫ ſoluere & contentare promiſſerat multipliciter leſus & deterꝫ eſt, Et dampñ ha-bet ad valenc' 20.s. Et inde ꝓduc' ſect', &c.

Plaint ſur Repleuin.

Willeꝫ. L. ſumã fuit ad reſpondendꝫ Will. B. de placito captionis & iniuſte detẽtionis auc-riorum ſuorum, Et vnde idem W.B. per R. D. atturñ ſuum de quod prædꝫ W.L. quinto die Decembris anno regni domini regis nũc An-gliæ, &c. xj. apud Q. in quodam loco ibidem voc' Buſhie Cloſe ipſius W.B. infra iuriſdicti-onem huius curꝫ cepit auerioꝝ, viz. vnam vaccã ipſius W.B. & eam iniuſte detenuit contrꝫ vadꝫ & pleg' quouſq; vnde dic' quod deterioratus eſt. Et dampñ habet ad valenc' 39.s. Et inde produc' ſect', &c.

Auowrie pur damage feſant in ſon franktenement.

Et ꝑdictꝫ W. in propria perſona ſua veñ & defendꝫ vim & iniurꝫ quãd', &c. & bene aduoc'

captiõ aueriorum præd in præd loco in quo &c.& iniuſte,&c.quia dic' qd prę̃d loc' in quo ſup.capt̃ auerior̃ præd fieri eſt & præd tẽpo-captionis prę̃d ſupponit̃ fieri fuit ſolũ & liber̃ tenẽt ipſius W. Et qd vacca præd fuit eodem tempore in eodẽ loco herbã ibm̃ tunc creſceñ dep.aſceñ & dampnum facieñ per qd idẽ W. vaccam ill' adtunc & ibm̃ ſic dampnũ facieñ cepit & imparcauit ꝓut ei bene licuit, Et hoc parat̃ eſt verificare vnde petit iudic' & retorñ aueriorũ præd ſibi adiudicari.&c.

Auowrie aliter vnum in iure ſuo proprio & alii' vt ſeruicienc' per eius precept.

Et p̃d T.B.& C.B.per W.C.at̃ ſuum veñ & defend̃ vim & iniuſ quãd.&c. Et dic' q̃ præd R.B.eſt & præd tẽpore captionis aueriorũ p̃d fieri ſupponit̃ fuit ſeiſit̃ de quodã clauſ. voc' le Coniger in p̃d villa de E.iuſt̃ iuriſdictiõ huius eur̃ in dom̃ ſuo vt de feodo'q̃ quidẽ, Equa præd tẽpore quo,&c. fuit in eodẽ clauſo voc' *the Coniger* herbã ſuã ibm̃ depaſcent̃ & dãpnũ in eodem clauſo facieñ per q̃ ipſe idẽ R. B. in iure ſuo proprio,Et præd T.B.per ei' prę̃cept̃ ceperunt equã ill' & eam imparcauer̃ ꝓut eis bene licuit,Abſq; hoc q̃ ipſi ceper̃ equam p̃d in p̃d loco voc' *the common Meade*, ꝓut præ-dict̃ W.T.verſus eos queritur,Et hoc parat̃ ſũt verificare,vnde pet̃ iudic' & retorñ auerior̃ p̃d ſibi adiudicari,&c.

Auowrie

Auowrie pur amerciament in Leet.

Et prædꝫ L.P. per T.R. atꝫ ſuum veñ & def. vim & iniurꝫ quãdo, &c. Et vt balliuus T.H. aꝫ bene cognouit captiõ iuuence pdꝫ in prędꝫ loco in quo, &c. Et iuſte, &c. Quia dicꝫ qꝫ idẽ locus in quo ſupponiꝫ captiõ iuuence prædꝫ fieri cõtinet & pdꝫ tempore quo ſupponiꝫ captionem iuuence prædꝫ fieri cõtinebat in ſe 12. acras tꝛ voc' Reke fields in W. prædꝫ infꝛ prẽcinctꝫ curꝫ viſ. franc' pleg. dicti T.H. infra maneꝛ ſuum de M. tenendꝫ in comiꝫ South. pdictꝫ de quo quidem maneꝛ cum perꝫ ante prædictꝫ tempus quo, &c. & eodem tẽpore quo, &c. pdꝫ T.H. fuit ſeiſiꝫ in dñico ſuo vt de feod', infra qꝫ quidem maneꝛ idem Thom & omnes ill' quoꝛ ſtatum idem T. modo ſtabet & prædꝫ tempore quo, &c. habuit in maneꝛ prædꝫ cum pertiñ, a tempore cuius contꝛ memoꝛ hominum nõ exiſtit habuerũt & habere, tenere, & cuſtodiꝫ cõſueueꝛ curꝫ viſ. franc' pleg. bis p ann, viz. ſemel infra menſ. px. poſt feſt. Paſch, & iterum infra menſ. px' poſt feſt. ſancti Mich. Arch. apud maneꝛ illud coꝛ Seneſ. manerij illius pro tẽpore exiſtẽn, Et omnes inhabitantes & reſidẽtes infra maneꝛ illud, ad curꝫ viſ. frãc' pleg. maneꝛ pdꝫ vſi fueꝛ comparaꝛ & ibm onerari & iuari de & ſuper oĩbus articulis qui ad curꝫ viſ. franc' pleg. pdꝫ pertinẽt ad inquirendꝫ. Quodquo pdꝫ T. ac omnes illi quoꝛ ſtatum idem T. in

manerio prædꝯ cum pertineñ modo habent & prædꝯ tempore quo,&c. habuerũt,ac a toto tẽpore prædict' vſi fuerunt diſtringere pro pœnis & amerciamentis in eadem cur̃ vic. franc' pleg' imponit̃, Et idem L. dicit quod ante pdꝯ tempus quo,&c. ſcz. ad quandã cur̃ vic' frãc' pleg' tenꝯ apud manerium pdꝯ infra mẽſe px. poſt feſt. ſancti Mich. Archangeli, ſcz. 30. die Septembris añ regni domini regis nunc Angliæ,&c. decimo, coram W. Y. geñ adtunc ſeneſchallo cur̃ vic' frãc' pleg. manerij ſui prædꝯ per quoſdam Iohañ N. &c. recitandꝯ omnes Iur̃ per nomina in eadẽ cur̃ vic' frãc' pleg' de hijs quæ ad cur̃ vic' frãc' pleg. prædict̃ ptinenꝯ onerat̃ & iurat̃ ad inquirendꝯ ſuper eorum ſacramẽtum præſenꝯ fuit. quod prædict' W. T. reſideñ & inhabitañ infra præcinctum cur̃ vic' franc' pleg prædꝯ adtunc exiſtebat, ac qd diuerſ. ſepes ipſi⁹ W. infra præcinctũ manerij pdꝯ incluſe iacebãt ad nocumenꝯ diuerſ. inhabitañ infra manerium prædict' per q̃ adtunc & ibm̃ p̃cept̃ fuit eidem W. T. ſufficienꝯ facere ſepes ſuas, viz. apud le home breach verſus viam regiã & ſepes ſuas verſ. venellũ voc' Morie Lane, &c. ante decimum quintum dié Octobris tunc prox' futur̃ ſub pœna xx. s. anteq̃ diem idem Will. ſepes ſuas prędict' nó feciſſit ſecñdum prędict̃ Iur̃ prædꝯ per quod prędꝯ pœna prædictorum xx. s. per prædict. Will. T. forisfact' fuer̃, Et quia prędict' viginti ſolid̃ pro pœna prędꝯ prædꝯ tempore quo,&c.

præſ.

præf. T. H. arretro fuerũt insoluẽ idẽ L. vt balliuus p̃d T. pro eisdem xx.s. pro pœna p̃d arretro existen insoluẽ bene cognouit captionẽ inuenc' p̃d in p̃d loco in quo, &c. Et iuste, &c. infra p̃cinct vic' franc' pleg. prædict, &c.

Barr' quant auers enter pur default de incloſuer & que lauowant doit faire.

Et præd T. dic' q̃ præd E. captionem aueriorum p̃d ratione præallegat iust' aduocare nó debet quia dic' qd tempor captionis pręd. fact quidam W. C. fuit seisit de quodã clauso voc' R. in M. in comitat prædicto in prædicto loco vocat G. cõtigne adiacen in dominico suo vt de feodo idemq; W. sic inde seisit ante idẽ tẽpus quo, &c. apud A. clausum illud dimisit eidem S. habend sibi ad voluntatem dict' W. quo prætextu idem T. tẽpore captionis prędict factæ de clauso illo fuit possessionat, Ac præd E. eodẽ tempore fuit seisit de prędicto clauso vocat G. in dominico suo vt de feodo idemq; E. & oẽs illi quorum statum ipse tunc habuit in loco ill' fecer & reparauer & vsi fuer facere & reparare quoties necesse fuit quandã sepem siue clausur dict' locũ voc' G. a p̃dict' clauso voc' M. penitus separat & def. a tempore cuius contrarij memoria homiñ non existit, Et idem T. dicit q̃ ipse de p̃dicto clauso vocat M. virtute admissionis prædict' possessionat ante prędict' tempus quo, &c. posuit auer

ſua prēd in clauſ. illud ad depaſcend ibm. Et p eo q ſepes præd E. tempor captiō præd fact & antea p defectu reparationis inde in diuerſ. partibus eiuſdem rupt fuit & vaſtat aueria pd in clauſ. ill' in præd loco vocat' G. per rupt ill' tempore captiō pd euaſer & intraver, Et pd E. tunc ibm exiſtens aueria ill' tunc ibm cepit prout per nar præd ſuppoñ, Et hoc parat eſt verificare vnde pet iudic & dampna ſua occaſiō captionis illius ſibi adiudicare, &c.

Replic' quer' le incloſuer fuit ſufficient.

Et præd E. dic' qd aueria illa tempore captionis pd ſupp fieri ſepem pd ſufficient fact. & reparat & violēt fregēr & in pd locum voc' G intraver & herbā in loco illo creſceñ depaſti fuer & dampñ in eo feceř per qd idem E. auer ill' tunc ibm cepit p̄ut idem E. ſuper allegauit, & hoc parat eſt verificare, vnde petit iudic' & retorñ āuerior illorum ſi bi adiudicari, &c.

Reioinder.

Et prædict' T. dic' qd ſepes præd tempore captiō pd ſuppoñ fieri rupt & vaſtat fuit in forma qua idem T. ſuperi' allegauit, & hoc pet qd inquiratur per p̄ria, Et ſimilit, Ideo i a, &c.

Action de trouer.

ſſ. I. P. qneritur de I. K. de placito trñs, Et de

vnde idem I. per I. W. attur̄ ſuum dic' qd cū præd' I.P. prim̄ die N. añ regni dom̄ regis nūc Angl', &c. apud P. infra iuriſd̄ hui⁹ cur̄ poſſeſſionat̄ fuiſſet de duobus ouibus matric' Angl' Ewes præcij x.s. vt de bonis & catall' ſuis ꝑprijs, Et ſic inde poſſeſſionat̄ exiſtens poſtea ſcz. eiſdem die & añ apud P. præd' bona & catall' prędt extra manus & poſſeſſ. ſuas caſualit̄ perdidit & amiſit quæ quidem bona & catall' poſtea ſcz. eiſdē die & añ apud P. p̄dict̄ ad manus & poſſ. ipſi⁹ I.P. inuentionem deuenerunt p̄d' tamen I. cert̄ ſcien̄ bona & catall' p̄dict̄ fore bona & catall' p̄dict̄ I.P. & ad ipſū I.P. de iure ſpectare & pertinere machinañ & fraudulent̄ intendēn eundem I.P. in hac parte calide & ſubdole de fraudar̄ & decipere bona & catall' p̄dict̄ p̄f. I.P. licet ſepius requiſit̄, &c. nondum tradidit nec deliberauit ſed bona & catalla præd' poſtea ſcz. primo die D. anno x. ſupra d̄t in vſum & cōmodū ſuum ꝑprium diſpoſuit & conuertit ad dampn̄ ipſius I.P. xx.s. & inde ꝑduc' ſt &', &c.

Count in treſpas.

S.S. attach. fuit ad reſpond̄ I.E. de placito quar̄ ipſe ſimul cum W.I. clauſum & domum ipſius I. apud B. infra iuriſdiction̄ hui⁹ cur̄ fregit̄, Et alia enormia, &c. vnde idem I. per I.H. attorn̄ ſuum queritur q; p̄d S. ſimul, &c. xxx. die S. anno regni d̄ni regis nūc Angl', &c. de-

cimo

cimo clauſum & domum ipſius I. apud B. infra iuriſdictionē huius cur̄ fregit & alia enormia &c. ad graue dampn̄ ipſius I. vnde dic' ꝙ deteriorat̄ eſt, & dampnum habet ad valenc' xx. s. & inde produc' ſect', &c.

Procloſe & meaſon de bruſe, & herbes pris, tunc ſic.

Et vnde idem H. in propria perſona ſua queritur de prædict̄ I. ſimul cū R. R. & I. L. 1 die Sept. an̄, &c. clauſ. & dom̄ ipſius H. apud W. infra iuriſdict' huius cur̄ fregit & herbam ſuā ad valenc' xx. s. iam nuper creſcen̄ cū quibuſdam auerijs, viz. equis, bobus, vaccis, & bidētibus depaſtus ſint conculcauit & conſumpſit, Et alia enormia ei intuleꝝ ad dampnum ipſius H. xxx. s. Et inde produc' ſectam, &c.

Non cul. plead.

Et præd̄ def. per I. F. atturnat̄ ſuum venit & def. vim & iniuriam quādo, &c. & quoad tot tranſgr̄. præd̄ præter fractionē clauſ. prædict̄ dic' ꝙ ipſe in nullo eſt inde culp̄ prout præd̄ queꝝ ſuperius verſus eum quæritur, Et de hoc poñ ſe ſup p̄riam, & predict' queꝝ ſimiliter, & quoad fractionem clauſi p̄d̄ idem def. dic' qd' præd̄ queꝝ actionem ſuā p̄d̄ verſus eum habeꝝ non debet quia dic' quod prædict', queꝝ ante tempus quo ſupponitur tranſgt̄ prędict' fieri

vnam

vnam vaccam ipſius def. apud G. prædꝫ inuẽt abſque cauſa rationabili cepit & ill' in clauſũ prędict' fugauit & illã ibidem imparcauit per qd' idem def. p̃ vacca ill' rehabendꝫ clauſ. prædictum p̃dꝫ tempore quo, &c. intrauit & eam tunc ibidem cepit & abduxit prout ei bene licuit & hoc paratꝫ eſt verificare vnde petit iudicium ſi prædꝫ querꝫ actiõ ſuam prędꝫ inde verſus eum habere debeat, &c.

Replication de ſon tort demeſne ſans tiel cauſe, & iſſue ſur ceo.

Et prædꝫ querꝫ dic' quod ipſe per aliqua prędaligat ab actione ſua p̃dꝫ de fractioñ clauſ. p̃dꝫ verſus præf. def. habendꝫ præcludi non debet, quia dic' qd prædꝫ def. die & anno ſupradict' de iniuria ſua propria & abſq; cauſa per ipſum def. prędaligat clauſ. ipſius querꝫ apud C. prædꝫ fregit, put ipſe ſuperius verſus eum queritur, Et hoc petit q̃ inquiratur per patriã, & prædꝫ def. ſimiliꝫ, ideo 12, &c.

Barr' in treſpas per offer de reaſonable amendes.

Et prędꝫ def. per I. W. attornatum ſuum venꝫ & defendꝫ vim & iniurꝫ quando, &c. Et dic' qd prædict' querꝫ actionem ſuam p̃dꝫ verſus eum habere non debet, quia dic' qd ipſe immediatꝫ poſt prędꝫ tempus tranſgr. prędꝫ fieri ſupponiꝫ ſcilicet

ſcilicet x. die Iañ añ, &c. apud N. p̄dict̄ p̄ mān' ipſius def. proprias optulit ad ſoluēd p̄f. quer̄ ijs pro dampn̄ ſuis cum vaccis præd' in p̄dict̄ loco in quo, &c. pref. quer̄ fec' qui quidem ijs fuer̄ ſuffic' amend' p̄ dampn̄ cum vaccis præd. in p̄d' loco in quo, &c. eodē tempore quo, &c. fac' quos quidem ijs p̄dict̄ quer̄ de eodem def. recipere adtunc & ibidem penitus recuſāt, Et hoc parat̄ eſt verificare vnde petit iudic, ſi p̄d̄ quer̄ actionem ſuam præd. inde verſus eum habere ſeu manutenere debeat, &c.

Tender de ſuffic' amendes eſt boñ plea in Replegiar̄ ante imparcationem aueriorū, mes nemy poſt.

Note that if any man pl. or def. bée minded to remoue any action out of this Court, hée muſt doe it by the K. writ, called an Accedas ad cur̄, which iſſueth out of the Chancerie, and it muſt be made by a Curſiter of that Shire where the action lyeth, and directed to the Sherife of the ſame Countie, who will make his warrant to the Bailife of that Court, and the bailife muſt make his returne of the warrant thus, firſt the bailife ſends or deliuers to the Sherife a copie of the entrance of the Court when the cauſe was remoued thus.

Alton Weſtbrooke.

Cur̄ R. T. mil' ibm̄ ven̄t die Iouis, viz. x. die Maij anñ regni dom̄ n̄ri Iac' dei gracia Angl' Scoc'

Scoc. Franc', & Hiberñ regis fidei defenſ, &c. viz. Angl. Franc. & Hiberñ xv. & Scoc' 51. coꝝ I.W. G.S. R. H. et T.D. ſeꝛ. eiuſdem cuꝝ.

The copie of the plaint.

I.S. queꝝ verſus W.W. de placito captionis et iniuſte detentionis aueriorum ſuorum.

V irtute iſtius præcepꝫ mihi directi accepꝫ mecum I.W. &c. quatuor diſcreꝫ militꝫ hundꝝ de A. præd. acceſſi ad cuꝝ R.T. militꝫ et recordꝫ feci loquelã q̃ eſt in eadem cuꝝ inter I.S. queꝝ et W.W. deꝝ. et record' illud paratꝫ habeo ſub ſigill' meo et ſigillis p̃d. 4. mil' eiuſdem cuꝝ ex illis qui record. ill. inter fueꝝ et partibus p̃dictꝫ eundem diem præfixi prout mihi precepꝫ fuit, In cuius rei teſtim̃ tam ego R.F. balliu' hundꝝ præd. quam præd. I.W. &c. 4. legal' mil' hũdred p̃dict preſentibus ſigill' noſtrꝝ appoſuim'.

Thereupon the ſheriſe maketh his returne, as to the ſaid writ appeareth.

a. d. 8 London Febr 24. 1649

How a ſubpœna - o - 3 - 7

How duranting &c. imparliament an Iſſue viijd

How the Iſſue is ſet xvjd

How an Oſtat is ſpent iijs. viijd

F F N F S.

bis stright) ffor vnlawfull ymprisonment
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loc' privatis absque scientia ffranciscus
ogr' dom' suddam equum Edwi et contra
forma statuti &c in tali casu edit et ad hoc
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vñ, do q̄d p̄tes q̄ deliberasset p̄fat
dñs p̄na inuenta p̄tēs vñs scabi H
& stodieus et sic vñ deliberaud p̄fat
quide quarto mdt vtq̄sete fuisset H
Et lictū ꝑ Rondu ꝑt.

Dretspab.

Cl: B: de q̄ dñus Cl: de tadcy dñs
m̄ plito transg̃ lud dauid ipūb q̄ vñ do q̄d
quod p̄tes dñs ꝑ dict duc: dum H Gawd
mdt duc lict ꝑ ꝑ ipūd Ev: in rom̄ dñ: H
& clausa ipūb q̄ Vorate fuerit et
intrabit et herba et blad ibm nup̄ nō sem
ne subtrijs sūb dtpast fuit Cōtrā trabit
et Consumpsit sic q̄d dauid ꝑ
Dombe. ꝙ debito fraudab.

Idem q̄ queritē dñs Hen: Jo: Clifa: ꝑ ipūb
dñs m̄ plito transg̃ sup̄ra scd̄ lud dauid ꝑ
do q̄d p̄tes dñs fa; primo die Junij dum H
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Dunedon (p̄ q̄d quedā mudnal) sūb sigill
dauid ipūb quide ꝑ, Et mdt ꝑ

Ego Prophetus [illegible] Doctus [illegible]
Comitatus [illegible] Hugonis [illegible]
[illegible] Eudonis [illegible]
[illegible]

Ex Protocollo [illegible]

Hospitalis et Hospitale
Amplissimi Senatus ex
Bibliotheca Civitatis Lubecensis

[illegible]

1632